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No. 128

House of Representatives

The House met at 10 a.m.

The Reverend Robert G. Hobson, Sun City, Arizona, offered the following prayer:

Our Father, as we pause in Your presence, we acknowledge You as our God. We are grateful for every Member of this United States House of Representatives.

We pray for every Representative as they seek to determine Your will and direction for this great Nation. Our Father, we commit each one to You in anticipation that You will be pleased to demonstrate Your will in and through each person and in every decision reached.

To this end, our Father, we entrust to You every person in this great body in anticipation of Your blessing and wisdom. May each be keenly aware that with regard to Your wisdom, it is not a matter of one's ability or inability but, rather, their availability to You and to this great Nation that righteousness and justice will be achieved. We thank You, our Father, in advance for all that You are going to accomplish in and through each Representative during their deliberations today.

In Jesus' name we pray, Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. McNULTY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. McNULTY. Mr. Speaker, I object to the vote on the ground that a

quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Colorado (Mr. HEFLEY) come forward and lead the House in the Pledge of Allegiance.

Mr. HEFLEY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 3214. An act to amend the charter of the AMVETS organization.

H.R. 3838. An act to amend the charter of the Veterans of Foreign Wars of the United States organization to make members of the armed forces who receive special pay for duty subject to hostile fire or imminent danger eligible for membership in the organization, and for other purposes.

The message also announced that the Senate has passed bills and a concurrent resolution of the following titles in which the concurrence of the House is requested:

S. 1226. An act to require the display of the POW/MIA flag at the World War II memorial, the Korean War Veterans Memorial, and the Vietnam Veterans Memorial.

S. 1972. An act to amend the charter of the AMVETS organization.

S. 2980. An act to revise and extend the Birth Defects Prevention Act of 1998.

S. Con. Res. 143. Concurrent resolution designating October 6, 2002, through October 12,

2002, as "National 4-H Youth Development Program Week".

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will take one 1-minute at this time. Other 1-minutes will be postponed until the end of business today.

WELCOMING THE REVEREND ROBERT G. HOBSON

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, it is my great and good fortune on behalf of the dean of our Arizona delegation, BOB STUMP, chairman of the House Committee on Armed Services and the Member from the Third Congressional District of Arizona, to welcome his constituent and our guest chaplain, Robert G. Hobson, to the floor of the United States House of Representatives today.

Reverend Hobson has served in the capacity of pastor, Bible teacher and evangelist; and he has spoken throughout our great Nation, Canada, the United Kingdom, Europe, Australia, Japan, and the Philippines, ministering in countless churches, Bible colleges, youth conventions, and seminars.

Mr. Speaker, for the past 40 years, Reverend Hobson has been the international field representative for the Capernwray Missionary Fellowship of Torchbearers, whose headquarters are located near Lancaster, England. We are pleased that he brings his unique perspective on the good news to the floor of the House of Representatives today.

Mr. Speaker, I know that you and our colleagues join us in thanking our guest chaplain, Robert G. Hobson, his lovely wife, family and friends who join us on this great occasion. Thanks

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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again to our guest chaplain, Reverend Robert Hobson, of Sun City, Arizona.

THE JOURNAL

The SPEAKER. Pursuant to clause 8 of rule XX, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. McNULTY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 327, nays 53, not voting 51, as follows:

[Roll No. 437]

YEAS—327

Abercrombie	Cramer	Harman
Ackerman	Crenshaw	Hart
Akin	Crowley	Hastings (WA)
Allen	Cubin	Hayes
Andrews	Culberson	Hayworth
Arney	Cummings	Hill
Baca	Cunningham	Hinchey
Bachus	Davis (CA)	Hinojosa
Ballenger	Davis (FL)	Hobson
Barcia	Davis (IL)	Hoeffel
Barrett	Davis, Jo Ann	Hoekstra
Bartlett	Davis, Tom	Holden
Barton	DeGette	Holt
Bass	DeLauro	Honda
Becerra	DeMint	Hooley
Bentsen	Deutsch	Horn
Bereuter	Dicks	Hostettler
Berkley	Dingell	Hoyer
Berman	Doggett	Hunter
Berry	Dooley	Inslee
Biggert	Doolittle	Isakson
Bilirakis	Doyle	Israel
Bishop	Dreier	Issa
Blagojevich	Duncan	Istook
Blunt	Dunn	Jackson (IL)
Boehrlert	Edwards	Jackson-Lee
Boehner	Ehlers	(TX)
Bonior	Emerson	Jefferson
Bono	Engel	Jenkins
Boozman	Eshoo	John
Boswell	Evans	Johnson (CT)
Boyd	Everett	Johnson (IL)
Brady (TX)	Farr	Johnson, Sam
Brown (FL)	Ferguson	Jones (NC)
Brown (OH)	Flake	Jones (OH)
Brown (SC)	Fletcher	Kanjorski
Bryant	Foley	Kaptur
Burr	Forbes	Keller
Burton	Fossella	Kelly
Buyer	Frank	Kennedy (RI)
Calvert	Frelinghuysen	Kerns
Camp	Frost	Kildee
Cannon	Gallegly	Kilpatrick
Cantor	Ganske	Kind (WI)
Capito	Gephardt	King (NY)
Capps	Gibbons	Kingston
Cardin	Gilchrest	Kleczka
Carson (IN)	Gilman	Knollenberg
Carson (OK)	Gonzalez	Kolbe
Castle	Goode	LaFalce
Chabot	Goodlatte	LaHood
Chambliss	Gordon	Langevin
Clement	Graham	Larson (CT)
Clyburn	Granger	Latham
Coble	Graves	LaTourette
Collins	Green (WI)	Leach
Combest	Greenwood	Lee
Condit	Grucci	Levin
Conyers	Gutierrez	Lewis (CA)
Cox	Hall (TX)	Lewis (GA)
Coyne	Hansen	Lewis (KY)

Linder	Pelosi
Lipinski	Pence
Lofgren	Peterson (PA)
Lowe	Petri
Lucas (KY)	Phelps
Lucas (OK)	Pickering
Luther	Pombo
Lynch	Pomeroy
Maloney (CT)	Portman
Maloney (NY)	Price (NC)
Manzullo	Pryce (OH)
Matheson	Putnam
Matsui	Quinn
McCarthy (MO)	Radanovich
McCarthy (NY)	Rahall
McCollum	Rangel
McCrery	Regula
McHugh	Rehberg
McInnis	Reynolds
McIntyre	Riley
McKeon	Rivers
Meehan	Rodriguez
Meeks (NY)	Roemer
Menendez	Rogers (KY)
Mica	Rogers (MI)
Millender-McDonald	Rohrabacher
Miller, Dan	Ross
Miller, Gary	Rothman
Miller, Jeff	Roybal-Allard
Mollohan	Royce
Moran (KS)	Rush
Moran (VA)	Ryan (WI)
Morella	Ryun (KS)
Murtha	Sanchez
Nadler	Sanders
Napolitano	Sandlin
Neal	Sawyer
Nethercutt	Saxton
Ney	Schiff
Norwood	Sensenbrenner
Ortiz	Serrano
Osborne	Sessions
Ose	Shadegg
Owens	Shaw
Oxley	Shays
Pascarell	Sherwood
Paul	Shinkus
Payne	Shows
	Shuster

NAYS—53

Baird	Kennedy (MN)	Ramstad
Baldwin	Kucinich	Sabo
Borski	Larsen (WA)	Schaffer
Brady (PA)	LoBiondo	Schakowsky
Capuano	Markey	Strickland
Casello	McDermott	Stupak
Crane	McGovern	Sweeney
DeFazio	McNulty	Taylor (MS)
English	Miller, George	Thompson (CA)
Etheridge	Moore	Thompson (MS)
Finler	Nussle	Towns
Ford	Oberstar	Udall (NM)
Gillmor	Obey	Velazquez
Gutknecht	Olver	Visclosky
Hefley	Otter	Waters
Hilliard	Pallone	Weller
Hulshof	Pastor	Wu
Johnson, E. B.	Peterson (MN)	

NOT VOTING—51

Aderholt	Gekas	Platts
Baker	Goss	Reyes
Baldacci	Green (TX)	Ros-Lehtinen
Barr	Hastings (FL)	Roukema
Blumenauer	Herger	Schrock
Bonilla	Hilleary	Scott
Boucher	Houghton	Sherman
Callahan	Hyde	Smith (WA)
Clay	Kirk	Souder
Clayton	Lampson	Stump
Cooksey	Lantos	Tancredo
Deal	Mascara	Tanner
Delahunt	McKinney	Thomas
DeLay	Meek (FL)	Weldon (FL)
Diaz-Balart	Myrick	Whitfield
Ehrlich	Northup	Wilson (SC)
Fattah	Pitts	Young (AK)

□ 1029

So the Journal was approved.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF H.J. RES 112, MAKING FURTHER CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 2003

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 568, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 568

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 112) making further continuing appropriations for the fiscal year 2003, and for other purposes. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate on the joint resolution equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommend.

The SPEAKER pro tempore (Mr. ISAKSON). The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, House Resolution 568 is a closed rule providing for the consideration of H.J. Res. 112, making continuing appropriations for the fiscal year 2003. The rule provides 1 hour of debate in the House equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the joint resolution and provides one motion to recommend.

Mr. Speaker, H.J. Res. 112 makes further continuing appropriations for the fiscal year 2003 and provides funding at current levels through October 11, 2002. This measure is necessary in order that all necessary and vital functions of government may continue uninterrupted while Congress continues its work on the spending measures for the next fiscal year. Accordingly, Mr. Speaker, I urge my colleagues to pass both the rule and the underlying resolution, H.J. Res. 112.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

(Mr. FROST asked and was given permission to revise and extend his remarks.)

Mr. FROST. Well, Mr. Speaker, Republicans' shameful refusal to lead the

House continues today. We are into the new fiscal year, and this House has still only passed 5 of the 13 appropriation bills.

Now, Republicans have been turning back flips to try to shift the blame for their own shameful failures. They like to say it is the fault of the other body that the House has not done its work, but we all know how an appropriations bill becomes a law. The Constitution requires the House to pass it before the other body can.

Mr. Speaker, there is nothing to stop House Republicans but themselves. And what is stopping them? Simply put, some Republicans are afraid to vote for the cuts in education, health care, and other priorities that most members of the Republican Conference seem to support. So Republican leaders have quit even trying to do the work Americans elected them to do.

While House Republicans refuse to do their work, Mr. Speaker, millions of Americans would be happy just to find a job. After all, America is suffering through the weakest economy in 50 years, and a recent Gallup Poll found that 52 percent of Americans believe the economy is getting worse. Frankly, it is hard to argue with them.

Long-term unemployment is at an 8-year high, and some 2 million Americans have lost their jobs. The Census Bureau reports the number of people living in poverty has increased, and the median household income has dropped. Corporate scandals, the massive criminality at Enron, WorldCom, and the like, have rocked the economy and devastated the retirement plans of millions of Americans. After the worst quarter for the S&P 500 since 1987, millions of Americans are dreading the arrival of 401(k) statements, statements that may now look more like 201(k) statements.

Overall, the stock market has lost \$4.5 trillion in value since Republicans took control in Washington a year ago January. And the Dow has hit a 4-year low.

What has been the response of the Republican House during this troubled time? They refuse to stop corporate expatriates who flee overseas to avoid paying their fair share in taxes and who leave other Americans stuck with the bill, and they refuse to extend unemployment insurance for all Americans suffering in this economy.

Mr. Speaker, this is a shameful failure of leadership. I do not think it is going to end as long as Republicans control the House of Representatives.

But there is one important step we can take today. We can finally allow the House to vote on the education funding necessary to implement the bipartisan No Child Left Behind Act.

At the appropriate time, I will oppose the previous question. If it is defeated, we will amend the rule to provide for a fair vote on the appropriations bill for the Department of Labor, Health and Human Services, and Education.

Since Republican leaders cannot decide how to bring up this critical bill,

we would offer Members several options. The Committee on Appropriations chairman could bring his bill to the floor. Conservatives and their Republican Conference who have seemed so interested in slashing education spending so far could bring up their version, and the gentleman from Wisconsin (Mr. OBEY), the ranking member of the Committee on Appropriations, could bring up his bill.

In addition, my amendment to the rule would require the House to immediately consider legislation extending unemployment benefits to the millions of American workers who have exhausted those benefits and have no immediate prospects of finding employment. And to help spur the creation of jobs in the country, we will call on the House to consider economic stimulus legislation before we adjourn for the elections. This body has wasted enough valuable time. We have only a few days left to do the people's business; and by defeating the previous question, perhaps we can start taking care of the business we were sent here to do.

Mr. Speaker, I reserve the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind Members that it is inappropriate to use cell phones on the floor of the House.

Mr. HASTINGS of Washington. Mr. Speaker, I have no requests for time at this point, so I reserve my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume, and then I will yield to the gentleman from Wisconsin (Mr. OBEY) for 8 minutes.

Is this not extraordinary? We have no appropriation bills coming out of the Congress; we have a continuing resolution for another week, and the Republicans cannot even produce a single speaker to defend their position. They want this to slip on through. They just want us to vote on this and leave town and the American people not notice that they are unwilling to do the people's business. Extraordinary commentary on the lack of leadership on the Republican side.

Mr. Speaker, I yield 8 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, ever since Labor Day this Congress and the President have been focused almost exclusively on Iraq, and there is absolutely no question that we will soon be at war. Meanwhile, the economy is showing serious signs of stress, and this body is doing virtually nothing about it.

Only 10 percent of our domestic appropriation bills are in place for the coming year. We are looking down a deep economic shaft with very little light at the end of the tunnel. We are in danger of leaving for the election with almost nothing being done to help provide that light, and there is a lot of talk in this institution about simply passing a series of continuing resolutions and then finally kicking all of these problems over until after the election, conveniently.

Mr. Speaker, the rules of this House are designed to help the House leadership address problems. Instead, on this occasion as they have been used on so many other occasions, they are being used to avoid problems. And then, even though we have only passed five of the 13 appropriation bills required in this House, we have some Members of this House who sound like the great Alibi Ike of the Cosmos, because they look for somebody else to blame for the fact that we have not been able to do our own job. I think that that has to stop.

I think people need to understand just how bad it would be if this government were to function on a continuing resolution for any significant period of time. That action would put the economy at high risk, in my view. It will virtually guarantee that almost nothing will be done about our economic problems. Political positions of both parties on a variety of issues will harden, and we will come back after the election, and we will be faced with a large supplemental request for Iraq, and the need to pass all of next year's fiscal 2004 appropriation bills. That will create a huge incentive to simply extend last year's spending patterns through the coming year, and that will have very bad effects on the economy. It will also lead to a lot of nasty and unintended consequences.

Example: it will leave a number of agencies funded at levels significantly below where they need to be, and many of those agencies will be at the center of our efforts to protect our people against terrorist threats. But we will also have other programs for which spending will be at higher levels than Congress expected or intended.

Example: the highway spending that is in the continuing resolution right now is \$4 billion higher than the level it was intended to be under the Republican budget resolution. And also, we have an anomaly, which means that the National Institutes of Health, which both parties have promised to increase by 15 percent this year, we will have the National Institutes of Health funded at \$3.8 billion less than the President's budget. That does not make any sense. But that is what is going to happen if this House continues to avoid its responsibility to bring up the Labor-Health bill and other appropriation bills.

The problem we have is there is an impasse within the Republican caucus between conservatives and moderates over what spending levels ought to be on education and on the Labor, Health and Education bill in general. And because of that impasse, the leadership is refusing to bring that bill up, and they are also acquiescing to the demand of a few hard-liners in their caucus that because they do not bring up the Labor-HHS bill, they should not bring up any other appropriation bill either.

Well, I sent a letter to the Speaker trying to propose a way out of this box, and I suggested that the Speaker allow the President's education budget to

come to the floor; in fact, bring the whole Labor-HHS bill to the floor, bring the President's budget to the floor, if you want, allow the Republican caucus to offer a substitute to that, and allow the minority to offer our substitute, and let the chips fall where they may. It does not guarantee an outcome, but it does move the process forward.

In the past, many times, past Speakers have allowed controversial bills to go forward, even when they could not guarantee a result, because they understood the gravity of continuing on a long-term continuing resolution and all of the programmatic harm that would do to the country and the economy. So the very least that the majority should do, instead of just passing another CR, is to bring to the floor the Labor, Health and Education bill so we can meet our primary domestic responsibilities.

Mr. Speaker, I think we ought to do something else. We have a very shaky economy, and in the midst of that, we are going to be dislodging Saddam Hussein. He is a bad actor, we will all welcome his departure, and no doubt that departure would be good for the people of Iraq. Sanctions would be lifted, they would have a renewed opportunity for a better life. But our economic problems here at home will still remain, and the economic problems of people who live along the Mississippi will not be taken care of by whatever we do on the Tigris and Euphrates rivers.

We also need to have an economic stabilization package that recognizes that things are dangerously different here at home than they were when the majority passed its budget resolution and its tax provisions a year ago.

In addition to putting the Labor, Health and Education bill on the floor so we can face up to our choices rather than avoid them on that issue, we also ought to see an economic stabilization package on this floor that would include, for example, extension of unemployment insurance, a strengthening of the safety net for programs for families hit by economic weakness, help to small business and farmers who are losing their ability to pay for health insurance, protections for investors, and protection for workers' pensions, additional infrastructure funding to provide for immediate job growths and, if I may be so bold, I know we are not supposed to say that nasty word around here, but we also do need a restructuring of the tax cuts to focus more of those cuts on low- and middle-income taxpayers struggling to get by and less on the economic elite which is doing quite well in comparison to their less well-off neighbors.

□ 1045

That is what we ought to do if we were in the business of solving problems, but it appears to me that, with the exception of dealing with Iraq, this House is going to be essentially a bystander.

As a practical matter, we have a government shutdown as far as the House of Representatives is concerned, so the gentleman from Florida (Mr. YOUNG) is stuck with the responsibility under these circumstances of bringing another CR to the floor when we all know that he would prefer to meet his responsibilities, as we would prefer to meet ours.

But we are not being given that opportunity because of an internal war within the Republican caucus. In my view, the Republican leadership needs to bring that bill to the floor. Their refusal to do so is nothing, in my view, but a confession of either incompetence or irresponsibility, I am not sure which.

So I would urge, Mr. Speaker, that we vote down this rule, that we vote down the previous question on the rule, so that we can bring something back to the floor which represents a real and broad-based attack on the economic problems facing this country.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Arkansas (Mr. BERRY).

Mr. BERRY. Mr. Speaker, I thank the gentleman from Texas for yielding time to me. I appreciate his leadership, and the leadership of the gentleman from Wisconsin (Mr. OBEY).

Mr. Speaker, the success or failure of any nation or any endeavor is determined by the leadership it has and the decisions they make. This Congress was sent here by the people of this country to make decisions and to do the people's business, and to represent the people of this country in a responsible way and make decisions for the common good, and not serve special interests.

It is amazing to me that we continue to not have appropriations bills on the floor of this House to deal with the people's business and to accomplish the tasks for which we were sent.

I am reminded of the old joke that they tell in my part of the country: Do not worry about the mule going blind, just load the wagon. We act like we do not know what we need to do.

This is not complicated. We know how to deal with this. Blaming somebody else; let us just find somebody, it does not matter who, but let us blame it on somebody else; let us blame it on the other body, on somebody down the street. Let us just blame somebody. It is always somebody else's fault.

We cannot stand as a Nation to continue to ignore the business of the people. We must be responsible.

The economy, to say the economy is not doing well is a gross understatement. We have a war at our doorstep. We have a war on terrorism that we have been fighting for over a year, and we have not dealt with issues pertaining to those two great concerns.

The cost of health care is skyrocketing, and taking money out of the economy at such a rate that none of us know how we are going to deal with it; yet, we cannot get to the floor of this House the business of the people.

We have been up here playing games since Labor Day trying to make it look like somebody is doing something, when the fact is we have not accomplished a frazzling thing since we got back after Labor Day. At the very least, bring it to the floor and let us vote on it.

We have asked, and the Blue Dog Coalition that I am a member of repeatedly has asked, the other side of the aisle, we have asked the leadership in the Republican Party, just work with us; just talk to us. We can figure this out. Let us do the job. Let us do the job that we were sent here to do.

We are not asking them to agree with us, we are just asking them to talk with us about it. Bring it to the floor and let us vote on it. When we work together, there is nothing we cannot do. But when everything has to be done in accordance with the Republican leadership, and when they are making bad decisions like they are right now, it makes it very difficult to get the job done.

It is the American way. This is what this Congress was established for. Let us bring it to the floor and take care of it.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. McDERMOTT).

Mr. McDERMOTT. Mr. Speaker, I guess the chickens have come home to roost. A long time ago, the first thing we did practically in this Congress was pass a big tax bill. Some of us stood down here and said, hey, we ought to figure out what we need to spend before we decide we are going to give a lot of stuff away; but the leadership on the other side of the aisle said, do not worry, there is plenty of money. There is no problem. Just trust us.

Well, there are a lot of hospitals and a lot of schools and a lot of people out there trusting them, and what they see is that they have given it all away, and they will not even admit it. If they would just get up and say, we have made a mistake, we should not have done that, we should maybe go back and rethink what we did.

But I understand their theory. Their theory is when they make a mistake, just keep saying it and pushing it, even if it does not make any sense. They were out here yesterday on the marriage tax penalty. They have been out here every week with something.

What really ought to aggravate the American people in the way they have handled this budget, when I come in here, I fly in here from Seattle. I get here at 4 o'clock on a Tuesday for a vote on a couple of post offices being renamed on Tuesday night. Then we have a little something on Wednesday, and on Thursday we are out, and I am on that plane at 5 o'clock.

I am on the ground less than 48 hours in this town. If Members call that a good week's work for a good week's pay, I have to tell the Members something: Most of the people in the world have to at least work 40 hours. They

cannot even keep their people here to work on the problem, but they would rather say, let us just have a continuing resolution. It is going so well, let us let it go on.

Why do we not just pass a continuing resolution until the first of March and give up this charade. What they are going to do is 1 week at a time, and then they are going to take the next one, which will be up to October 18. Then they will say, well, we ought to do it after the election, so we will do the 17th of November; and then, of course, well, we will do December 15; and then we will come in on January 10; and then come in again, and we will finally get to work in February.

They ought to be ashamed of themselves that they do not bring the bills out here. Bring them out here, and we will see. They should bring out whatever they can agree on. Since they do not want to talk to us about what they are bringing out, they should bring out their best shot and put it on the floor here. But no, they want to talk about Iraq, and they want to talk about a lot of other things, but they do not do the business of the House.

We ought to vote this rule down and bring out the bills.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. VISCLOSKEY).

Mr. VISCLOSKEY. Mr. Speaker, I appreciate the gentleman's yielding time to me, and I regret we are here maintaining the status quo for another 7 days.

The status quo for 6,700 people in the First Congressional District of Indiana is unemployment. The status quo for many of those 6,700 people who have probably permanently lost their job in the domestic steel industry and in other industrial facilities is that they have now also permanently lost their health care. Their status quo for the next 7 days is to pray that they, their spouses, and their children do not have an injury and that they do not get sick.

Many of those 6,700 people in the First Congressional District of Indiana who have lost their job have been forced into early retirement. They were promised a pension. The status quo for a good number of those people who were promised a pension is that they will get less than they were promised because the companies they worked for are some of the 37 that have entered into bankruptcy over the last several years.

We have had programs over the last several years under the Clinton administration to help reduce class sizes so that the children in the First Congressional District could receive the best education possible, so hopefully, if jobs ever return to the First District, they would be eligible for them; but we are talking about the status quo and not reducing class sizes over the next 7 days.

We are the status quo Congress, and given the market's collapse, given the recession that we are in, given the def-

icit that has been created, I think we have much better things to be doing today than maintaining the status quo. I hope that the rule is defeated.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield such time as he may consume to the distinguished gentleman from California (Mr. DREIER), chairman of the Committee on Rules.

(Mr. DREIER asked and was given permission to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, I rise in strong support of this rule.

I have just heard my friend, the gentleman from Indiana, talk about the status quo. The status quo is that we want to keep the government going; we do not want it to shut down. That is really the alternative we are faced with right now.

What we are dealing with is a continuing resolution that will go from October 4 to October 11. Now, people have been talking about the fact that we have this unprecedented situation, and we have never been in these dire straits before when it comes to the process of appropriations.

It is true, we may be moving into new territory, but we have done some of our work here. It is clear that we have passed 5 of the 13 appropriations bills. As the gentleman from Florida (Chairman YOUNG) pointed out in his testimony before the Committee on Rules yesterday, we basically have six other bills in the bullpen ready to go that we would like to consider.

I do not want to spend a lot of time talking about history here, but, Mr. Speaker, Members should realize that we have, in the past, to my knowledge, never had a time when the minority did not fail to offer a budget. This year we know there was no alternative, so our friends can talk and say, shame on you, and we should be embarrassed and all; but our friends on the other side of the aisle, Mr. Speaker, have not come up with a proposed budget. We know that the only entity to pass out a budget was the House of Representatives. We did it with Republican support, and it was the Republican budget that moved ahead.

If we look at the past, Mr. Speaker, we also have had times where we have dealt with continuing resolutions going back to 1990, when we saw a continuing resolution that was vetoed by the President. We saw one of the subcommittees have a continuing resolution that lasted an entire year.

So yes, this is a challenging time for us. We are trying to get a continuing resolution passed for October 4 to October 11 so we can get our work done dealing with the very challenging situation. We have been able to deal with the very, very tough times since September 11 of last year, providing basically about \$100 billion, and we have stepped up to the plate and done that.

So we are at a time of war. This is a war on terrorism that we are dealing with. That has created many of the challenges that we have.

However, I hope we will be able to come together and work on this process. I want to congratulate the gentleman from Florida (Chairman YOUNG) for the fine work he is doing in trying to move this process along.

Let us pass this rule, let us pass this continuing resolution, and let us continue working as hard as we possibly can to get our work done.

□ 1100

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. STENHOLM).

(Mr. STENHOLM asked and was given permission to revise and extend his remarks.)

Mr. STENHOLM. Mr. Speaker, I have great respect for the gentleman from California (Mr. DREIER), who just stated that we Democrats had no budget. If the gentleman who is the chairman would listen for a moment, I believe he will agree that when I appeared before the Committee on Rules asking that the Blue Dog budget be made in order, we were denied an opportunity to bring it to the floor of the House because it did not meet the preconceived notion of what a budget ought to look like. I keep hearing this and we will hear it again today time and time again, but it does not speak the truth because some of us do want to bring a budget to the floor of the House.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding. I am sorry that I did not hear exactly what the gentleman said earlier, but let me say that you recall in the past that what we have done and what we have tried to do this year was to have a complete budget package that was put forward and not an amendment process, and we went through this debate earlier when we went through it. And the gentleman and I disagree on that, but I think it is very clear to state for the record that from our interpretation we did not have a complete budget substitute that was put forward.

Mr. STENHOLM. Mr. Speaker, the gentleman is exactly correct in the way he states it, but that is not the way this body should work. We should not have preconceived notions of what the budget ought to look like and deny the minority an opportunity to even have an amendment. And that is what has caused us to be in the position we are in today, in which we, the House, have not passed but five appropriations bills and yet my friends on this side stand up and blame the other body because we have not done our work.

And I would ask that the gentleman on the Committee on Rules in this rule today, do we have a continuation of the pay-go rules and the discretionary caps, or have we allowed them to expire?

Mr. HASTINGS of Washington. Mr. Speaker, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from Washington.

Mr. HASTINGS of Washington. Mr. Speaker, there is no pay-go on this. This is just appropriations only.

Mr. STENHOLM. Mr. Speaker, so we do not have pay-go and discretionary pay caps in this amendment. I understand that this is a CR that continues all programs at last year's levels; and, therefore, a pay cap is not necessary. I understand that. But I take this to the floor today to notice that the Blue Dog Democrats and I believe a large number of my other colleagues on this side are going to insist that when we get into a CR that takes us into a lame duck session or a CR that takes us into next year or a CR that takes us into the next century, based on the way this House is being run, we think there ought to be some meaningful pay-go rules, and they ought not be allowed to expire.

And I would appreciate in the discussion if the finger pointing would stop and most of us, and when I point the finger at my friends over here, I always acknowledge three are coming back at me. But it is an interesting dilemma where it has gotten us to the point in which we are not doing our work on education, on any of the much-needed Medicare/Medicaid rules; and yet all we can do here is point the finger at the other body.

Let us do our work, and you will be surprised what kind of help you get if you allow us to debate these issues instead of stonewalling as you did on the budget.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have to agree with the gentleman and the points that were made by several Members that have spoken today, it does not do us any good to point fingers; but there are some things that have happened that we cannot ignore that we are dealing with. And one of the things that we are dealing with is that we have not passed a budget in the Congress. That makes it very, very difficult for both Houses to deal with their appropriations process with the same numbers. That is the difficulty. And, again, it does not do any good to point fingers at that, but that is the fact.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS).

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. Mr. Speaker, I thank my friend for yielding me time.

Mr. Speaker, I rise in opposition to this rule. In the summer of 2001 the majority came to this floor with its tax cut proposal and told us the following: for the new budget year that we are heading into, for every \$100 that we were going to spend, we would have about \$115 of income coming in without touching Social Security.

Well, they underestimated the impact of the recession. They understandably could not foresee the impact of September 11, and they irresponsibly went ahead with the tax cut in the face of good economic judgment.

So where we do stand today? For every \$100 we are scheduled to spend, we do not have \$115 coming in. We have \$90, \$90.

The reason that we do not have a budget on the floor is the majority does not want to confront the hard consequences of that problem that it created, because there are only three choices. The first choice is to slash education, health care, environmental protections, veterans benefits, lots of things that lots of people on their side support. So they cannot bring to this floor appropriations bills that do that and pass them.

The second option would violate a seeming religious principle of the majority which would be to renegotiate the size and speed of the tax cut, which is what a rational, sensible approach to this problem would be; but it violates the creed of the Republican Party, so that is off the table.

The third option is to do what we are going to do after the voters have spoken on November 5, and that is to cover the hole in the budget by spending Social Security money. The majority does not want its Members to face the electorate in 33 days and explain they voted to run this government by spending Social Security money. So rather than renegotiate their sacred tax cut, rather than bring to this floor a budget bill that would reflect the conscience of the choice they irresponsibly made in 2001, they are playing rope-a-dope with the American public.

So we will come back next week and pass another extension and the week after that and pass another extension. The problem with this rule and the problem with this continuing resolution is that it misrepresents the choices that confront the American public. The majority is going to run the government by spending Social Security money. We object to that. And we forcefully object to the unanimous consent that they will not talk about the consequences of making that choice. We should defeat this rule. We should sit down as Republicans and Democrats, renegotiate this country's budget, pull us back out of the red, pull our economy back up, and stop the charade that we see on the House floor today.

Mr. FROST. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, the important thing for those of us who share the responsibilities of this Nation is, of course, to make sure that the government works for the people. And so we are on the floor today to deal with what we call a continuing

resolution. We do this in the shadow of war and the costliness of \$100 billion that may be spent on a preemptive unilateral strike by this White House. But I think the important thing that should be focused on is the needs and the hurts of the American people.

I may use the 18th Congressional District to suggest that I know that there are good people working here on both sides of the aisle. I know the appropriators are trying to work steadfastly. But here is what is happening to the American people while we are stalemated, if you will, around appropriations. Take the 18th Congressional District in Houston, Texas. We have got agencies that deal with child care that are literally shutting down because working parents who are trying to make ends meet do not have the funding for child care. We do not have the 100,000 teachers promised that was made a couple of years ago, so that there are 16,000 fewer teachers being trained. We find with the new numbers in poverty that there are now 1.3 million families living in poverty. In my own congressional district and State we have got 700,000 homeowners that have no insurance. We have as well those who are losing their benefits of Medicare and Medicaid because our Labor-HHS bill that covers education and Medicare and Medicaid has not yet been funded.

And so what we do on this floor is so vital; it absolutely impacts the matters of life and death for our constituencies. And here we are with a continuing resolution because Republicans refuse to recognize that the multibillion dollars tax cut that was rendered some months ago must be ceased and stopped so that we can focus ourselves on providing the needs of the American people in a bipartisan manner. I hate to go home to my seniors who are making choices between their prescription drugs and paying their rents and their mortgages. I hate to go home to young mothers who want to work who have moved off welfare but cannot function because they have no child care. I hate to go home to my inner city schools because they are overloaded in their classrooms.

Vote against this rule and get back to work on behalf of the American people.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. TOOMEY).

Mr. TOOMEY. Mr. Speaker, I thank the gentleman from Washington for yielding me time.

Mr. Speaker, I rise today in support of this rule and in support of the continuing resolution. I have listened to some of the debate this morning and have heard a number of my Democratic colleagues harshly critical of this continuing resolution. I do not know whether they intend to vote for the continuing resolution or not; but as we all know, a vote against the continuing resolution is a vote to shut down the

government. And while we are struggling to finish this appropriations process, and it is a struggle, today the Republicans are going to make it very clear that we do not think that we should shut down the government while we work out the differences that we still have.

So we are going to pass this continuing resolution today. I hope we have support from my Democratic colleagues on that. Judging from the discussion so far this morning, I am not terribly optimistic; but I hope we will because, as I said, we should keep the government open while we resolve these differences.

As always for the CR itself, frankly, I would not write it. If it were up to me, I would not write it exactly this way, but it is a short term CR; it does not take us terribly long into the future. Hopefully, it will take us past the time in which the defense appropriations bill will be signed into law. That is about half of the discretionary spending in this process, and that will give us a chance to revisit this issue. And if we have not worked out the rest of the appropriations bills, we can refine and improve and hopefully perfect the continuing resolution that might be required at that point. If we can do that, I will support that CR. If we cannot improve it and correct the flaws, then I will vote against that continuing resolution.

But the point is as we go through this process we Republicans are responsibly trying to struggle through a difficult process to work out our differences and pass the spending bills necessary for this government. And it is a difficult process for a simple reason. We think there ought to be some budgetary restraints. We think there is a point at which we have got to say to the American people what we have said twice on this floor when we have passed the budget resolution, a second time when we have passed the deeming resolution acknowledging that as an operative budget.

What we said is we have got huge new needs for funding this war on terrorism. We have got huge new expenses we have got to incur to protect our homeland. And given those huge new expenses which we all accept, we have got to tighten our belts in some of the other areas of government where we cannot afford to keep growing all of these programs at three, four and five times the rate of inflation, as we have in recent years.

What we are simply saying is we need a little bit of restraint in these other areas of government. Now, there would be an easy solution to this and it is the solution that would draw a tremendous majority of votes on the Democratic side of this aisle, and that would be to forget about the budget and just spend a whole lot more. Maybe we could just agree to whatever number is being floated at the other end of this building or maybe a higher number still because the objection on this side of the aisle is

that we are not spending enough money.

Well, my colleagues, we have been spending too much money for too long. We have got legitimate needs in defense and homeland security. It is time to tighten our belts in the other areas.

Mr. Speaker, I urge my colleagues to support the continuing resolution and continue this struggle for a responsible budget.

Mr. FROST. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. PHELPS).

(Mr. PHELPS asked and was given permission to revise and extend his remarks.)

Mr. PHELPS. Mr. Speaker, I rise in opposition to the previous question.

Mr. Speaker, as we debate another continuing resolution, and there is talk of recessing until after the elections, I am concerned we have not addressed all 13 appropriations bills and extending unemployment benefits.

Congress enacted a budget last year based on projections of a \$5.6 trillion surplus. Several Members warned about the danger of making decisions based on projected surpluses that might not materialize, but our warnings were ignored. One year later the projections have turned out to be wrong and we are looking at large deficits and a growing national debt.

Circumstances have changed dramatically since we enacted the Republican budget last year. The projections turned out to be too optimistic, revenues are much lower than expected, we face tremendous new expenses for homeland defense and the war on terrorism and a possible war with Iraq. But the Republicans refuse to consider any changes to their budget policies in response to the changed circumstances.

We understand that circumstances have changed greatly in the past year. We understand the economy is in turmoil and we are facing a war on terrorism but that does not give us an excuse to not come up with a budget. We should not ignore our responsibility to the American people.

The American people have shown a tremendous willingness to make sacrifices to help win the war on terrorism, just as they did in World War II. But instead of asking all Americans to make sacrifices to pay for the war on terrorism, the administration and Republican leadership are paying for the war with borrowed money, leaving the bill to be paid for by someone else in the future.

In my congressional district in central and southern Illinois, there is a high unemployment rate and the economy is suffering. Mr. Speaker, I am concerned because the Republicans refuse to extend unemployment benefits to the millions who have exhausted benefits and need help now. Unemployment is at an all time high and median household income has dropped. The stock market has lost millions and the Dow is at a low.

Mr. Speaker, I am concerned we are going to leave these important issues unaddressed until after the elections.

Oppose previous question and let us get on with doing the people's business.

□ 1115

Mr. FROST. Mr. Speaker, I yield myself the remaining time.

Mr. Speaker, the continuing resolution before us is an indictment of the Republican majority. They have failed to help the unemployed, failed to rescue the economy, failed to complete the appropriations process and failed the American people.

If the previous question is defeated, I will introduce a package that contains the CR we are debating today, extends unemployment insurance, brings the Labor-HHS bill to the floor so that we can move the appropriations process forward, and calls for an economic stimulus package to get this country moving again.

Meaningless sense of the House resolutions will not get it done, Mr. Speaker. Passing continuing resolutions to avoid tough choices is not going to get it done either. There is an unfinished agenda of issues that mean something to the middle-class Americans, Mr. Speaker, and Democrats want to help them, even if Republicans do not.

By defeating the previous question, the House can take up this economic package and reverse the economic decline that the Republicans have brought us. Let us get America back to work again.

I urge a no vote on the previous question.

The material previously referred to by Mr. FROST is as follows:

AMENDMENT TO H. RES. 568

OFFERED BY MR. FROST

Strike all after the resolved clause and insert:

That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 112) making further continuing appropriations for the fiscal year 2003, and for other purposes. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate on the joint resolution equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

Sec. 2. (a) Immediately after disposition of H.J. Res. 112, the Speaker shall declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5320) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2003, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. All points of order against provision in the bill are waived. No amendment to the bill shall be in order except those specified in subsection (b). Each such amendment may be offered only in the order specified, may be offered only by the Member specified or his designee, shall be considered as read, shall be debatable for one hour equally divided and controlled by the proponent, and shall not be subject to amendment. All points of order

against such amendments (except those arising under clause 7 of rule XVI) are waived. If more than one of the amendments specified in subsection (b) is adopted, only the last to be adopted shall be considered as finally adopted and reported to the House. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

(b) The amendments referred to in subsection (a) are as follows:

(1) An amendment in the nature of a substitute by Representative Shadegg of Arizona.

(2) An amendment in the nature of a substitute by Representative Obey of Wisconsin.

(3) An amendment in the nature of a substitute by Representative Young of Florida.

Sec. 3 Immediately after disposition of H.R. 5320, the House shall without intervention of any point of order consider in the House the bill (H.R. 5491) to provide economic security for America's workers. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; (2) an amendment in the nature of a substitute offered by Representative Thomas of California or his designee, which shall be in order without intervention of any point of order (except those arising under clause 7 of rule XVI), shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

Sec. 4. (a) On the legislative day of Thursday, October 10, 2002, immediately after the third daily order of business under clause 1 of rule XIV, the House shall without intervention of any point of order consider in the House the bill specified in subsection (b). The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; (2) an amendment specified in subsection (c), which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

(b) The bill referred to in subsection (a) is a bill that Representative Thomas of California shall introduce on or before the legislative day of October 7, 2002, on the subject of economic stimulus and that Representative Thomas shall designate as introduced pursuant to this resolution.

(c) The amendment referred to in subsection (a) is an amendment in the nature of a substitute consisting of the text of a bill that Representative Rangel of New York shall introduce on or before the legislative day of Wednesday, October 9, 2002, on the subject of economic stimulus and that Representative Rangel shall designate as introduced pursuant to this resolution.

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. ISAKSON). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 206, nays 198, not voting 27, as follows:

[Roll No. 438]

YEAS—206

Akin	Goodlatte	Ose
Armey	Goss	Otter
Bachus	Graham	Oxley
Ballenger	Granger	Paul
Barr	Graves	Pence
Bartlett	Green (WI)	Peterson (PA)
Barton	Greenwood	Petri
Bass	Grucci	Pickering
Bereuter	Gutknecht	Pitts
Biggert	Hansen	Pombo
Bilirakis	Hart	Portman
Blunt	Hastings (WA)	Pryce (OH)
Boehlert	Hayes	Putnam
Boehner	Hayworth	Quinn
Bonilla	Hefley	Radanovich
Bono	Herger	Ramstad
Boozman	Hobson	Regula
Brady (TX)	Hoekstra	Rehberg
Brown (SC)	Horn	Reynolds
Bryant	Hostettler	Riley
Burr	Houghton	Rogers (KY)
Burton	Hulshof	Rogers (MI)
Buyer	Hunter	Rohrabacher
Calvert	Hyde	Ros-Lehtinen
Camp	Isakson	Royce
Cannon	Issa	Ryan (WI)
Cantor	Istook	Ryun (KS)
Capito	Jenkins	Saxton
Castle	Johnson (CT)	Schaffer
Chabot	Johnson (IL)	Sensenbrenner
Chambliss	Johnson, Sam	Sessions
Coble	Jones (NC)	Shadegg
Collins	Keller	Shaw
Combest	Kelly	Shays
Cox	Kerns	Sherwood
Crane	King (NY)	Shimkus
Crenshaw	Kingston	Shuster
Cubin	Kirk	Simmons
Culberson	Knollenberg	Simpson
Cunningham	Kolbe	Skeen
Davis, Jo Ann	LaHood	Smith (MI)
DeLay	Latham	Smith (NJ)
DeMint	LaTourette	Smith (TX)
Diaz-Balart	Leach	Stearns
Doolittle	Lewis (CA)	Sununu
Dreier	Lewis (KY)	Sweeney
Duncan	Linder	Tancred
Dunn	LoBiondo	Taylor (NC)
Ehrlich	Lucas (OK)	Terry
Emerson	Manzullo	Thomas
English	McCrery	Thornberry
Everett	McHugh	Thune
Ferguson	McInnis	Tiahrt
Flake	McKeon	Tiberi
Fletcher	Mica	Toomey
Foley	Miller, Dan	Upton
Forbes	Miller, Gary	Vitter
Fossella	Miller, Jeff	Walden
Frelinghuysen	Moran (KS)	Walsh
Galleghy	Morella	Wamp
Ganske	Myrick	Watkins (OK)
Gekas	Nethercutt	Watts (OK)
Gibbons	Ney	Weldon (FL)
Gilchrest	Northup	Weldon (PA)
Gillmor	Norwood	Weller
Gilman	Nussle	Whitfield
Goode	Osborne	

Wicker
Wilson (NM)

Wilson (SC)
Wolf

Young (AK)
Young (FL)

NAYS—198

Abercrombie	Gutierrez	Nadler
Ackerman	Hall (TX)	Neal
Allen	Harman	Oberstar
Andrews	Hill	Obey
Baca	Hilliard	Oliver
Baird	Hinchey	Ortiz
Baldacci	Hinojosa	Owens
Baldwin	Hoeffel	Pallone
Barcia	Holden	Pascarell
Barrett	Holt	Pastor
Becerra	Honda	Payne
Bentsen	Hooley	Pelosi
Berkley	Hoyer	Peterson (MN)
Berman	Inslee	Phelps
Berry	Israel	Pomeroy
Bishop	Jackson (IL)	Price (NC)
Blagojevich	Jackson-Lee	Rahall
Blumenauer	(TX)	Rangel
Bonior	Jefferson	Reyes
Borski	John	Rivers
Boswell	Johnson, E. B.	Rodriguez
Boucher	Jones (OH)	Roemer
Boyd	Kanjorski	Ross
Brady (PA)	Kaptur	Rothman
Brown (FL)	Kennedy (RI)	Rush
Brown (OH)	Kildee	Sabo
Capps	Kilpatrick	Sanchez
Capuano	Kind (WI)	Sanders
Cardin	Klecza	Sandlin
Carson (IN)	Kucinich	Sawyer
Carson (OK)	LaFalce	Schakowsky
Clay	Langevin	Schiff
Clement	Lantos	Scott
Clyburn	Larsen (WA)	Serrano
Condit	Larson (CT)	Sherman
Conyers	Lee	Shows
Costello	Levin	Skelton
Coyne	Lewis (GA)	Slaughter
Cramer	Lipinski	Smith (WA)
Crowley	Lofgren	Snyder
Cummings	Lowe	Solis
Davis (CA)	Lucas (KY)	Spratt
Davis (FL)	Luther	Stark
Davis (IL)	Lynch	Stenholm
DeFazio	Maloney (CT)	Strickland
DeGette	Maloney (NY)	Stupak
Delahunt	Markey	Tauscher
DeLauro	Matheson	Taylor (MS)
Deutch	Matsui	Thompson (CA)
Dicks	McCarthy (MO)	Thompson (MS)
Dingell	McCarthy (NY)	Thurman
Doggett	McCollum	Tierney
Dooley	McDermott	Towns
Doyle	McGovern	Turner
Edwards	McIntyre	Udall (CO)
Engel	McNulty	Udall (NM)
Eshoo	Meehan	Velazquez
Etheridge	Meek (FL)	Visclosky
Evans	Meeks (NY)	Waters
Farr	Menendez	Watson (CA)
Finer	Millender	Watt (NC)
Ford	McDonald	Weiner
Frank	Miller, George	Wexler
Frost	Mollohan	Woolsey
Gephardt	Moore	Wu
Gonzalez	Moran (VA)	Wynn
Gordon	Murtha	

NOT VOTING—27

Aderholt	Green (TX)	Roukema
Baker	Hastings (FL)	Roybal-Allard
Callahan	Hilleary	Schrock
Clayton	Kennedy (MN)	Souder
Cooksey	Lampson	Stump
Davis, Tom	Mascara	Sullivan
Deal	McKinney	Tanner
Ehlers	Napolitano	Tauzin
Fattah	Platts	Waxman

□ 1141

Mr. HILL and Mr. UDALL of Colorado changed their vote from "yea" to "nay."

Mr. LEACH and Mr. REGULA changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. SULLIVAN. Mr. Speaker, on rollcall No. 438 I was unavoidably detained. Had I been present, I would have voted "yea."

Mr. ADERHOLT. Mr. Speaker, on rollcall No. 438 I was attending a White House briefing on Iraq. Had I been present, I would have voted "yea."

Mr. KENNEDY of Minnesota. Mr. Speaker, on rollcall No. 438 I was at the White House for a briefing on Iraq. Had I been present, I would have voted "yea."

Mr. PLATTS. Mr. Speaker, on rollcall No. 438 I was attending a White House briefing on Iraq. Had I been present, I would have voted "yea."

Mr. EHLERS. Mr. Speaker, on rollcall No. 438 I was detained at a meeting in the White House and could not return to the House floor before the vote concluded. Had I been present, I would have voted "yea."

The SPEAKER pro tempore (Mr. ISAKSON). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3781

Mr. SMITH of Washington. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 3781.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.J. Res. 112, making further continuing appropriations for the fiscal year 2003, and for other purposes, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2003

Mr. YOUNG of Florida. Mr. Speaker, pursuant to House Resolution 568, I call up the joint resolution (H.J. Res. 112) making further continuing appropriations for fiscal year 2003, and for other purposes.

The Clerk read the title of the joint resolution.

□ 1145

The text of House Joint Resolution 112 is as follows:

H.J. RES. 112

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 107-229 is further amended by striking the date specified in section 107(c) and inserting in lieu thereof "October 11, 2002".

The SPEAKER pro tempore (Mr. ISAKSON). Pursuant to House Resolu-

tion 568, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Chairman YOUNG).

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.J. Res. 112 is the second continuing resolution for fiscal year 2003. It will extend the current CR until next Friday at midnight, October 11.

The terms and conditions of the initial CR will remain in effect. All ongoing activities will be continued at current rates under the same terms and conditions as fiscal year 2002.

I will briefly mention them again for Members. It will continue all ongoing activities at current rates, including supplementals, under the same terms and conditions as fiscal year 2002.

The term "rate for operations not exceeding the current rate" continues to be defined as stated in OMB Bulletin No. 01-10.

As in past CRs, it does not allow new starts, and it allows for adjustment for one-time expenditures that occurred in fiscal year 2002.

It continues the eight funding or authorizing anomalies in the original CR.

Mr. Speaker, this CR is non-controversial. I urge the House to move this legislation to the Senate so that the government can continue to operate until we have that glorious day when we conclude all of the appropriations bills.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, let us be thankful that the millions of American children who just started the new school year have better things to do than to watch proceedings on the House floor, because if they were, they would be learning some terrible lessons from the Republican leadership.

Lesson 1: 2 plus 2 equals 3. That is what we call the GOP's "fuzzy" math. And that is what enabled our Republican friends to enact enormous tax cuts for the wealthiest Americans while still pretending that they are committed to a balanced budget, deficit reduction and priorities like education.

Lesson 2: Say one thing, do another. Our Republican friends have voted 7 times over the last 3 years to put our Social Security surpluses in a so-called lockbox, and then they have turned right around and passed a budget that raids those surpluses to the tune of \$2 trillion.

Lesson 3: Do not do homework because, as this Republican leadership has demonstrated, we do not even need to worry about completing the basics.

While our Republican friends act like they are on a permanent summer vacation, the truth is they simply have become congressional truants. On this, the third day of the new fiscal year, this House has failed to complete work on even 1 of the 13 appropriations bills.

Since Members returned from the August district work period, we have not considered one spending bill on the floor of this House. Not one. Rather than bring up the energy and water bill, we are loading up the suspension calendar. Rather than consider the foreign operations bill, we are spending time on sense of House resolutions. Rather than doing the work that the American people expect to be done, we are in session for only 3 days again this week.

While we dither, the American people suffer the consequences, and our economy is tanking. A real Patients' Bill of Rights, stalled by the GOP leadership. A real prescription drug benefit for seniors under Medicare, blocked by the GOP leadership. Pension reform that protects workers and legislation to eliminate offshore corporate tax havens, disregarded by the GOP leadership. An increase in the minimum wage and an extension of the unemployment insurance benefits, a critical step that we ought to be taking, ignored by the GOP leadership.

Mr. Speaker, this leadership would even undo important bipartisan legislation that we have already passed. After all the fanfare about the No Child Left Behind Act, our Republican friends would slash spending on the act's programs by \$90 million, and they call for the smallest increase in education spending in 7 years.

Today, as we pass this second continuing resolution, let us be thankful that America's children are hard at work at school doing what is expected of them, because we are not. Unfortunately, the same cannot be said of us.

Mr. Speaker, I see the gentleman from California on the floor, and with the last remaining seconds I have, the gentleman from Texas (Mr. DELAY) may speak. The gentleman will come up here and say, "Look at what the Democrats did."

Mr. Speaker, I came here in 1981. For the next 6 years with a Republican President and a Republican United States Senate, we ran up the largest deficits in the history of America. From 1993, under Bill Clinton, until the time he left, for 8 straight years we brought the deficit down and came into surplus. We have now squandered that \$5.6 trillion, and we are down to zero, and the economy is hurting. Let us do better.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself 1½ minutes.

Mr. Speaker, I seldom try to put words in the mouth of other Members, but I listened carefully to the gentleman from Maryland (Mr. HOYER), and I think he did misspeak on one particular issue. The gentleman emphasized that the House had not considered one appropriations bill. The fact

of the matter is that we have sent to the Senate the Defense bill, the Legislative branch bill, the Military Construction bill, the Interior bill, and the Treasury-Postal Service bill. We have passed those through the House.

In addition, I would add that the Agriculture bill, the District of Columbia bill, the Energy and Water Development bill, the Foreign Operations bill, Transportation bill, and the Labor-HHS-Education bill are all ready to be considered at a moment's notice. We will mark up the VA-HUD bill next week. The committee has been very aggressive in meeting its responsibilities.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, the gentleman is correct. The chairman of our committee, and our committee, in my opinion, has tried to act as responsibly as we possibly can, and I count myself advantaged by having the opportunity to serve on the gentleman's committee, one of the fairest people on the floor of this House.

However, I think I did not misspeak, and what I said was during the month of September, the month before the end of the fiscal year, we have not considered one appropriation bill on the floor of this House. I agree with the gentleman from Florida (Chairman YOUNG). My bill was one that passed. But in September not one bill have we considered on the floor.

Mr. YOUNG of Florida. Mr. Speaker, I yield 3½ minutes to the gentleman from Oklahoma (Mr. ISTOOK).

Mr. ISTOOK. Mr. Speaker, I thank the gentleman for yielding me this time. I appreciate the gentleman's tireless efforts as chairman of the Committee on Appropriations, never giving up and never stopping trying, even though some Members of this body and the other body would try to present him with an impossible task.

Mr. Speaker, we know it is a challenge, especially since 9/11, with the increased costs of national security, of fighting the war against terrorism, of homeland security, and the domestic needs of this Nation, we know it has been a terribly difficult task to try to come up with budgets. Nevertheless, this House has risen to the occasion and has followed the law requiring us to adopt a budget and then to specify the details of how we are going to allocate the overall spending among the various subcommittees.

As the gentleman from Florida (Mr. YOUNG) has mentioned, we have been responsible in doing that in this House. The bill for which I have responsibility through the Subcommittee on Treasury, Postal Service and General Government cleared this House July 24, 2.5 months ago. The other body has yet to bring its counterpart to the floor. We cannot proceed on that bill because only one House of Congress has acted. We see that pattern, unfortunately, repeated over and over. The law requires

both Houses of Congress to enact a budget so that we know how much we have to spend so we can divvy it up.

This body, the House of Representatives, has done so. The other body, despite the legal requirement that it do so and should have done it back in April, still has not done it. No wonder we have gridlock and deadlock.

I would call upon Members of this House that has a complaint to talk to their Member of the other body, to talk to the people who bear the title of Senator and tell them we need their help. We need them to be constructive. We need them to talk about the overall numbers.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind the gentleman and all Members that it is not in order to characterize the Senate, or the "other body," for any inaction or all other inappropriate remarks should be avoided.

Mr. ISTOOK. Mr. Speaker, that is why I talk about the law, because it is certainly appropriate for the other body to follow the law, as this House has done and as we hope both bodies would.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman will suspend. Out of an abundance of caution for the debate, and to clarify, any inference to the other body as breaking the law would be inappropriate under the same rule of the House.

Mr. ISTOOK. Mr. Speaker, that is why I characterized it as being totally appropriate for the other body to follow the law.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would advise Members that the rules of the House are specific, and oblique references will be recognized when appropriate by the Chair.

Mr. ISTOOK. Mr. Speaker, what we do in our everyday lives as families, we sit around the kitchen table and we say, this is how much we have, and this is what we would like to accomplish. And we make decisions, tough decisions. I would like for every Member of this House to help us in making these difficult decisions.

We did not know we were going to have the attacks of 9/11. We did not know we were going to be looking at another war on the other side of the globe. We did not know that we would have the economic problems that have surfaced, and yet we are trying to do our best. But some Members, their only answer is whatever we are doing is not good enough, because the only answer is to spend more money. That is not always the answer.

□ 1200

Mr. Speaker, we have got to have people who take a constructive look at things rather than being naysayers. We have got to have people who say, look, this is where we will have to cut back if we want to get back to a balanced

budget instead of having deficits return and continue; if we want to make sure we follow the policy that the majority in this House has done for the last several years, balancing the budget without using Social Security receipts to do so. We have increased in recent years education spending some 150 percent since the majority changed in this body. Yet some people accuse us of not being sensitive toward education. That is just not so.

I appreciate the efforts of the leadership of this House and the gentleman from Florida. I suggest that we should adopt this continuing resolution and have every Member of this body stop the naysaying and get constructive.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. UPTON). The Chair would remind all Members that are on the House floor that they need to be dressed in appropriate attire for them to be on the floor.

Mr. OBEY. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I am going to give the gentleman who just spoke the "Alibi Ike of the Cosmos" award. He is essentially saying, "Gee whiz, folks, the reason that we can't pass these eight appropriation bills is because if we do, the other body won't have passed them, and so therefore it's them there other guys' fault."

I do not think that is a very impressive argument. I know of absolutely no reason whatsoever that the House has not been able to deal with the HUD appropriation bill, with the transportation appropriation bill, with the Labor-H bill, the Commerce-State-Justice bill, the agriculture bill, the foreign ops bill, the energy and water bill, and the District of Columbia bill. Nothing whatsoever is preventing this House from taking up those bills and sending them to the other body except the internal war which is going on in the majority party caucus which has created a situation in which the gentleman from Florida is not being allowed to bring these other bills to the floor.

So I would suggest, folks, nobody is going to be impressed by blaming somebody else for your own inaction. Once you have passed those bills, then you will have a right to squawk at the Senate. Until then, who are you kidding? You are just passing the buck, and you know it as well as I do.

Mr. YOUNG of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Michigan (Mr. KNOLLENBERG), chairman of the Appropriations Subcommittee on the District of Columbia.

Mr. KNOLLENBERG. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise to support, obviously, the continuing resolution, and I want to commend Chairman YOUNG for all the hard work that he has put into this year's appropriations process. I think he has

one of the most difficult jobs of anybody here in the House, but he continues to do an outstanding job. I salute him.

This continuing resolution is an essential bill, and I strongly urge my colleagues to support it. The appropriations process is not an easy one. I do not think it ever has been. All we can do is take the situation we have and do the best we can. The Committee on Appropriations has produced a series of excellent bills that are ready for the floor and that we will bring to the floor when the leadership of this House determines that it is time. We have done our job and they are doing theirs.

I, myself, chair the Subcommittee on the District of Columbia, and we had a bill pass committee this last week. Working closely with the gentleman from Pennsylvania (Mr. FATTAH), I believe we have produced a bill that is bipartisan and one that this House can support. I know it will move through the legislative process in due course.

I am not going to engage in any blame game today, and I do not think it benefits anybody in this House for any of us to do so. We all want to pass the appropriations bills. But even if this House had passed all 13 bills, we would still be here to pass a CR, since many of the bills would undoubtedly still be in conference. That is a fact. It is hard to gain consensus within this House and Congress. We have not stopped trying. We will finish our work; but in the meantime, we will pass this CR to ensure that no Federal program will go without any funding and that no Federal agency will shut down.

I urge all my colleagues to support the continuing resolution.

Mr. YOUNG of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Speaker, first of all I want to congratulate the chairman for all the good work and his patience in dealing with a very, very difficult issue. I just heard the gentleman from Michigan say about blaming. I really think it is inappropriate to kind of start blaming people, and I think it is important that we work together. The good news is we will resolve the issue. I think what is complicating this matter is that we are coming close to an election time and generally that sometimes creates problems here in this body which is in essence a political body. The chairman has been working very hard. All the subcommittees have been working hard. I think the leadership on both sides will come together after we finish the election in November, and I think we will leave here doing the people's business. I am optimistic with regard to that.

This resolution is important because, in our area, we are going to be funding embassy security which everyone wants to do and do well so we do not have another Tanzania or another bombing in Kenya or Karachi, which we had. We also are funding the FBI.

The FBI obviously is a fundamental backbone of the homeland security issue. Within that we have language training. We have the technology for Trilogy so the FBI can share the data, the information. We are also funding the INS. Who would not want to do that particularly at this very, very difficult time? Also, this money will be very helpful in these days of hearing about Enron and WorldCom, the Securities and Exchange Commission is funded through this. This is a good thing to do. It ought not be controversial. This is not new. No one should assume that this is the first time that this has ever happened, that the Congress has passed continuing resolutions. My sense is that we may actually pass fewer continuing resolutions this year than has been done in the past.

Let us do this. Let us find a day that we can recess, come back and finish the people's business before the end of the year so the government can work well. I think we will do that. I again thank the chairman for his patience in a very, very difficult job and all the Members that are working together, knowing that we will resolve this and do the people's business.

Mr. OBEY. Mr. Speaker, I yield myself 3½ minutes.

Mr. Speaker, I think the last speaker has just revealed what the problem is in this place. We are being told that we will eventually get together after the election and get these problems solved. The fact is that when we come back after the election, we will have a huge Iraq war supplemental facing us, we will have the need to pass next year's appropriation bills, and we will never get to these unless we do our work now.

The second point I would make is that much has been made of the fact that the other body has not passed a budget resolution. In fact, in fiscal year 1999, this Congress never agreed to a budget resolution. Despite that fact, by October 1, the House had passed 12 of its 13 appropriation bills. So that demonstrates to me that if there is a will to address issues rather than avoid them, that you can get things done. It happened in 1999.

The only reason we are wrapped around the axle now is because the hard right of the majority Republican caucus does not want to pass any education bill except the President's budget-level bill, and a lot of other Members in the Republican Party recognize that that would be politically disastrous to them because the public does not want to bring to a screeching halt the 5-year progress we have made in expanding education resources all around the country. They do not want to put a freeze on per-pupil education spending after 5 years of strengthening spending for education.

And so we get all these red herrings. People say, "Oh, we have not passed a budget resolution," or "The Senate has not acted." The fact is we are here

stuck for only one reason, because the majority party leadership has lost control of its own caucus, they do not know what to do, and as a consequence they are punting. That may not hurt in a football game, but it eventually will hurt every single school district that needs to know how to plan, it is going to hurt students who need to know what they are going to get on Pell grants, and in addition to that it is going to hurt the country if we do not move on to do our other jobs, such as expanding unemployment insurance, doing something to help small business with the cost of their health care plans. I cannot walk into a small business in my district where someone does not say to me, "My God, I don't know how we can afford to keep our health insurance for our employees because of the cost."

This place has been in a shutdown since Labor Day. We all came back here with the expectation we would be dealing with appropriation bills. The gentleman from Florida has been blocked from doing his job, and I have been blocked from doing my job because of an internal war in the majority party caucus. It would be good for the country if that war would end. Now. Not after the election. The public has a right to know where we stand on education, where we stand on the environment, where we stand on housing before the election, not after the election. We are hell-bent to have a vote on Iraq 2 or 3 months before anybody thinks that we are going to war; but, no, we cannot have a vote on the budgets that are already expired for the year so we can deal with our own problems here at home.

I have one message to the majority party leadership in this House: Shape up. Do your job. Meet your responsibilities instead of running away from them and trying to hide until after the election. You must think you have a pretty lousy case if you are hiding it until after the election.

Mr. YOUNG of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. CUNNINGHAM), a member of the Committee on Appropriations.

Mr. CUNNINGHAM. Mr. Speaker, my colleagues on the other side would lead us to believe that Republicans are mean, that they do not care about education, that they do not care about a prescription bill, that they do not care about health care. They say, Oh, well, it's your leadership. You are okay. Like our leadership does not care about those issues. Our leadership and our Republican Members have children and families just like you do. We have grandparents and we have our mothers and our fathers to take a look at. I resent the implications of my colleagues on the other side.

It is an election year. We are weeks away from an election. We watch every speaker on that side of the aisle come up with partisan attacks, either about education or health care or prescription drugs, tax breaks for the rich,

which is a socialist mantra that they have taken on. We did put Social Security in a trust fund. For 40 years they used every dime out of the Social Security trust fund. But we are in a wartime, ladies and gentlemen. We are spending a lot of money. Alan Greenspan and the economists said that the tax relief that Republicans put through actually accounts for 1.5 percent of the 3 percent growth that we are having in our economy. Interest rates are low. Inflation is low. The one area that is lacking is the stock market. The Senate has not passed the security act that will protect those people, and they have not passed that bill. The House has. As for a patients' bill of rights, we passed prescription drugs. The other body has not. At least if they pass it, we could come to a conference on it. It has not happened.

As for pension reform that was badmouthed by the gentleman from Maryland, 118 Democrats voted for it along with Republicans on pension reform. The other body has not acted upon that bill. I would tell my colleagues on the other side, your leadership did not vote for pension reform.

□ 1215

Mr. OBEY. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from California (Mr. GEORGE MILLER), the ranking member of the Committee on Education and the Workforce.

Mr. GEORGE MILLER of California. I thank the gentleman from yielding me this time.

It is most unfortunate, Mr. Speaker, that we are here again today once again extending the time limit on the passage of the appropriations bills under the guise of a CR. When we passed No Child Left Behind, we told the school districts of this Nation and the States of this Nation that if they would engage in the most dramatic reforms of this program in 30 years, that we would adequately fund those reforms in terms of professionalization of teachers, teacher recruitment, on directing more money to poor children and schools that do not have adequate resources to provide a first-class education.

Last year's funding level does not do the trick. School districts have already started this school year that carry them through our fiscal year. School districts in March will have to make determinations, certainly in California, about laying teachers off. If we have a CR that goes to March, if the Federal money is not forthcoming, then we start the process once again of starting and stopping reforms.

We have laid out a 12-year timetable to have all of our children proficient. We have laid out a timetable for schools to make adequate yearly progress in improving the test scores and proficiency of each and every student in the schools. That is the commitment we make; those are the reforms we imposed. But the other part

was accountability. It was about schools being held accountable, about teachers being held accountable, about students being held accountable. But where is the accountability when the Congress cannot pass the Health and Human Services appropriation which includes the Department of Education? Where is the accountability when we do not have the fund for the next fiscal year in place so the schools can count on that and make the changes that are going to be required?

These reforms are very expensive. We believe they are worth it. We believe on a bipartisan basis they are worth it. We believe as a Congress with the President of the United States that they are worth it.

But we have no education bill. We simply do not have it. It is not a political trick. We do not have the bill. It is not here. It was promised to us, the first bill up when we returned from the August break. It is now October and no bill. It is not that the Senate does not have it; it is that we have not done it.

We have not done it because some on the other side of the aisle are insisting that we go to the President's numbers, which are not sufficient to allow us to carry out not only the school reforms, but many of the other educational projects in this country. Those numbers are not sufficient. The President, I am sure, sent those numbers up here knowing that Congress would add to them.

We think it is more important that we add to them. We have bipartisan agreement that they should be added to, and part of the caucus on the Republican side is arguing that they will not vote for the bill because it does not provide sufficient education funding. Another part says it provides too much. And for that reason we do not have a bill today.

For that reason we are here with a continuing resolution because, if I understand the chairman of the Committee on Appropriations and the ranking member, the rest of the bills we are fairly close on. But this is the logjam, this is the log that is crossways in the stream on the appropriations bill, because until this is resolved, no other bills can be resolved.

So now we have a continuing resolution. What that does is it bites into the planning, it bites into the reforms that we have offered for the Nation's schools' children, and we know as a Nation these reforms are desperately needed. These standards must be met if America's children are going to take place in the American society of the future, of America's future economy. If these children are going to participate to their full potential, these reforms are necessary, but they must be funded.

In fact, the easiest thing for a State superintendent to do is say Congress missed the deadlines on funding; I am off the hook. We should not allow that to happen. We have got to have an education bill, and I would hope that this

contest in the Republican caucus would get resolved and we could get on with the children's business and the children's education in this Nation.

Mr. YOUNG of Florida. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Ohio (Mr. BOEHNER), who is chairman of the Committee on Education and the Workforce.

Mr. BOEHNER. Mr. Speaker, I want to thank the gentleman from Florida (Mr. YOUNG), chairman of the Committee on Appropriations, and congratulate both him and the gentleman from Wisconsin (Mr. OBEY) for dealing with what is a very difficult year. And I think part of this debate is a bit disjointed because we are looking at the second half of the process, the appropriations process, when, in fact, we know the first half of the process, the budget process, has fallen apart.

The House did its job back in April, passed our budget, made our decisions. Our friends on the other side of the aisle offered no alternative, and there was no vote, but the House did, in fact, pass a budget.

The Senate has yet to pass a budget. There has been no agreement between the two bodies on the numbers, and as we know, the appropriations process without a budget resolution, without some agreement on the overall numbers, cannot go very far.

But I think it is important to remind our colleagues that there was no budget, and I am going to remind my colleagues once again what Dave Broder said over the last several months when he said, "When the House was debating its budget resolution, the Democrats proposed no alternative of their own." "Rather than fake it, Democrats punted."

"The budget resolution," he went on to say, "... is designed to be the clearest statement of a party's policy priorities. As long as they are silent, the Democrats cannot be part of serious political debate."

The fact is we still have not seen a budget from the other side of the aisle. We still have no resolution on the budget, and as we look toward the issue of education, I was proud to work with the gentleman from California (Mr. GEORGE MILLER), who just spoke before me, to produce the No Child Left Behind Act. We have had a tremendous increase in education funding over the last 5 or 6 years, some 300 percent increase in special education funding; 113 percent increase in funding for Title I, the largest of the programs designed to help poor schools and poor children to get a better shot at a decent education.

And my colleagues do not have to take my word for it. Let us take the National Journal. The National Journal points out that over the next 5 years, if we look at the increases, education is up 40 percent. The only two programs that are higher over the next 5 years in the President's budget are Medicaid and Federal correctional activities. And, it goes on, the 40 percent increase over the next 5 years is more

than what the President calls for for increases in national defense at 27 percent and increases in Federal law enforcement at 28.6 percent.

Obviously two of the highest priorities that we have in the country today are getting significant increases, and yet education still comes in at a much higher increase, and we have to remember this is on top of what this Congress and this President have done over the last 2 years to meet our commitments to help poor kids.

Now, the gentleman from California (Mr. GEORGE MILLER) knows, and I think the gentleman from Wisconsin (Mr. OBEY) knows, that we are going to meet our commitments to ensure that no child is left behind. We are going to meet our commitments, and we are going to make sure that this law works so that every child in America, regardless of their race, regardless of their income, and regardless of where they live, get a decent education. We know that all kids can learn. We have to ensure that all kids have an opportunity to learn.

So I would urge my colleagues rather than to throw partisan barbs here on the House floor, why do you not bring a budget, why do you not show us how you are going to get there, why do you not help us make the decisions that we need to make in order move this along?

Mr. GEORGE MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. BOEHNER. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. Just two points, Mr. Speaker. One is members of the Democratic caucus did offer a budget, or tried to offer a budget, the Blue Dogs. The gentleman may ask what is the gentleman from California doing making the case for the Blue Dogs' budget? I voted for it, I think, the last several years.

And the other point is could the gentleman enlighten us as to when you are going to meet these education numbers? Has the gentleman been informed when this is going to happen?

Mr. BOEHNER. Mr. Speaker, reclaiming my time, the gentleman knows there has been no agreement between the two bodies on an overall spending number, and until there is, how do we move this process along?

I have great regard for the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Florida (Mr. YOUNG) in the difficult task they have trying to move these pieces without some overall agreement on a number. One cannot run a household this way; we certainly cannot run a Congress this way.

And I think the gentleman knows full well that there is going to be an agreement. I would rather have the agreement today, but when are my friends across the aisle going to put a number on the table and say, let us begin the negotiations? As Dave Broder said in his column, as long as the Democrats are silent, they cannot be part of a serious political debate.

Mr. OBEY. Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I would just say to the gentleman from Ohio (Mr. BOEHNER) and the chairman of my committee we have not been silent. We offered a budget alternative. We were not allowed to put that budget alternative in place, and the fact of the matter is you can keep saying that the budget is keeping you from doing your work, but you have already reached agreement on the military construction bill in defense appropriations. We are right there. That is done. Both Houses are working on it. So that was not an impediment there.

Let us get on with the other national priority that the gentleman in the well just spoke about, and that is education. Let us do that. You were able to do tax cuts without a budget. You were able to get rid of all the money. You were able to take care of the wealthiest people in the country without a budget. But now you need a budget to take care of the poorest children in the country. I mean, you are starting to act like Enron executives. You are going to take care of us first, and then if there is anything left over, we will take care of the shareholders and employees, or if there is nothing left over, we will go bankrupt.

That is kind of where we are. We have this huge debt. We have not taken care of the poor children in the country. We have taken care of the richest people, and we cannot get a time certain as to when we will get on with the rest of the business of this country. And you say it is because you do not have a budget, but without a budget you gave away taxes. Without a budget you arrived at defense numbers, you arrived at military construction numbers, but you cannot arrive at education numbers. The argument just does not hold. It just does not hold. And we ought to reject this CR, and you ought to go back to work over the weekend and get your work done.

Mr. OBEY. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, the gentleman from Ohio is suggesting that somehow because the budget resolution has not been agreed to by both parties, that we cannot proceed on appropriation bills. I would ask him when was the budget resolution approved in fiscal 1999?

I guess the gentleman has left the floor. But the answer is it was never approved, and despite that fact, this House completed action on 12 of its 13 appropriation bills.

The gentleman is desperately looking for a way to blame anybody except ourselves for the fact that this House is not doing its business. We do not need to have a budget resolution passed for the House to pass its appropriation bills. We passed a number of appropriation bills already without an agreement between the Senate and the House on a budget resolution. Why cannot we also pass the Labor-H bill? It is because the majority party leadership does not know which way to turn, and

so they are spinning in circles instead. That is the problem.

Secondly, I would point out that the gentleman is talking about what is being promised in the future by the Republican budget. Let me point out I am more interested in what is being delivered, and if we take a look at the President's budget for Title I, the President's budget falls \$4 billion below the promises in the bill that the gentleman from Ohio brought to the floor. So forget the promises, baby. Where is the delivery?

Then let us take special education, both parties crying all over the floor about the fact we do not provide enough for special education. When we look at the President's budget, the President's budget for education falls far below, at least half a billion dollars below, where it would be if we were to keep the increases for special education that we have had the last 5 years. Then if we take a look at the kids who are having trouble with English and need to learn English, what do you do there? You cut them 10 percent on a per-student basis under the President's budget.

□ 1230

So do not give me this baloney about what future authorization propositions you are making. I am interested in what you are delivering, and right now you are delivering zip; you are delivering nothing.

The President is suggesting we have a hard freeze on the education budget. If you are comfortable with that, bring it out. The gentleman from Texas (Mr. DELAY), the distinguished whip, is standing there grinning. He may think it is funny that he does not have the capacity to bring forth an education budget; he may think it is funny that people are losing their health insurance and the President is cutting back health programs by \$1.4 billion, but we do not think that is funny.

Mr. YOUNG of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Missouri (Mr. AKIN).

Mr. AKIN. Mr. Speaker, in these days of ongoing concern about corporate accountability and the way that we handle money and the way we describe money, one would think that fiscal responsibility would be our general practice. The rhetoric has been particularly shrill, I have noticed from the Democrats, screaming about wanting fiscal responsibility; and yet it does not seem like we are consistent here somehow today.

First of all, the fact is that Federal law requires the Senate to pass a budget resolution. The fact is that the Senate has not passed a resolution for the first time in 20 years. The resolution before us is consistent with fiscal responsibility. If we take a look at where we are, every person in our country owes \$12,000. That is not good fiscal responsibility. The proposal before us is going to cut that \$12,000 down by 2; at least it is going in the right direction.

The Democrat plan from the Senate side says \$5,000 more we are going to spend. That is not fiscal responsibility.

The simple facts are that we have a very simple plan that is being proposed by the Democrats: if you cannot afford it, just charge it. It is simple, but it is not fiscally responsible.

Mr. Speaker, we need to pass this CR and move our country ahead.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, when the Committee on Appropriations met to craft this package, it denied Amtrak's request for \$1.2 billion for the coming fiscal year. The chief executive officer of Amtrak, David Gunn, said they cannot operate a national system of intercity passenger trains for less than \$1.2 billion; maybe \$1.1 billion, but certainly not much less than that. The Inspector General of DOT and other individual observers have said, clearly, Amtrak needs that \$1.2 billion simply to continue existing operations. More is needed to bring the system up to a state of good repair; yet the Committee on Appropriations approved \$762 million, far short of what is needed.

In addition, the committee included language that limits the amount of funding to operate a national network of long-distance trains to \$150 million. Now, that is micromanaging Amtrak; and that is less than half of what is needed and what was available for fiscal year 2002, the just-concluded fiscal year.

That means that a dozen long-distance trains are going to be shut down in this coming fiscal year. Mr. Speaker, 13 of 18 long-distance trains will be shut down in order to reduce the deficit to \$150 million. That means 2,300,000 passengers will lose service: the Sunset Limited from Orlando to Los Angeles, the California Zephyr from Chicago to Oakland, the Southwest Chief from Chicago to Los Angeles, the City of New Orleans from Chicago to New Orleans. In fact, nine of those 13 have service running through Chicago, the heartland of America's rail sector, for well over a century.

The only remaining long-distance trains will be one operating on the West Coast, the Empire Builder from Seattle to Chicago, and the New York-Florida service. We will no longer have a national intercity passenger rail system. If we simply remember and recall back to September 11, when all air service was shut down, the only way people moved, apart from personal cars and Greyhound and other intercity bus service, the mass transit system was our Amtrak system. And when these trains are gone, they are gone forever. The cost of bringing them back up will be prohibitive. That is not what this country needs, that is not what the public wants, and we should not be a

Third World Nation when it comes to intercity passenger service. We ought to be a first-rank Nation.

Mr. Speaker, I urge the committee to go back, do its serious business, restore these funds. We have now a president of Amtrak who really understands railroading who, given the money, will do the job right and put our system back on its feet and make it operate appropriately.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself 30 seconds simply to say that based on OMB's analysis of the continuing resolution, Amtrak would do very well on an annualized basis; their share would be \$1.1 billion, and I tend to be one of those who support Amtrak and believe that the Nation has got to maintain the ability to move goods and people by rail and by highways, as well as by air. But OMB believes that Amtrak does very well under the amortized CR.

Mr. Speaker, I yield 2 minutes to the very distinguished gentleman from Iowa (Mr. NUSSLE), the chairman of the House Committee on the Budget, which, in fact, did pass a budget this year.

Mr. NUSSLE. Mr. Speaker, I thank the chairman for yielding me this time.

I rise reluctantly today in opposition to this resolution and I would like to explain why. I support Congress taking the necessary legislative steps, since Congress has not yet passed an appropriation bill for many of the subcommittees of jurisdiction, so that we can ensure the continuous operation of the government; but I believe there is a better way to accomplish this; and, therefore, I cannot support this resolution. It is on one principled basis, and that is that we need to control spending.

The resolution provides a funding formula that I believe is flawed. The formula assumes that all one-time emergency spending passed by the Congress in response to the events of September 11 continues permanently. There is probably no better example of the problem and an illustration of this problem than the Pentagon. Under this flawed formula, funding for rebuilding the Pentagon would continue every year in perpetuity, even though the Pentagon has been rebuilt.

Last week, when the House considered its first continuing resolution, I raised this very issue in a colloquy with the very distinguished chairman of the Committee on Appropriations. I was given some assurances by the chairman that this issue could and would be addressed in future continuing resolutions; and unfortunately, this issue has not been addressed in the resolution before the House today.

It is only fair to point out that there appears to be great consensus in the Congress and in the administration that the true one-time expenses for the responses to September 11 should be just that: one-time expenses. In fact, the Office of Management and Budget

has identified \$16 billion of these one-time expenses. While it is said that \$16 billion in one-time expenditures will not be funded again through administrative action, Congress also needs to act. It is our responsibility under the Constitution.

Therefore, Mr. Speaker, there is a better way. I hope that in future bills that they can recognize this better way, and I reluctantly oppose this continuing resolution.

Mr. OBEY. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, I am amazed by what I have just heard from the gentleman from Iowa. Apparently, the gentleman is only now beginning to face what a miserable mess is often created when we have to run the government under continuing resolutions. I would simply say that there are a lot of things in the continuing resolution that the gentleman from Florida and I do not like; but the fact is, when we are prevented from doing our work in passing the regular appropriation bills, then, in the end, we are stuck with only one alternative, and that alternative is to simply run the government by formula until people come to their senses. So that is what this continuing resolution has to do.

Apparently, the gentleman from Iowa is only now beginning to understand what a mighty mess he and his colleagues have created. Now, he was talking about one-time spending, as though that is a clearly defined item, and he uses as his example the Pentagon. Well, I would point out that the Pentagon was repaired as a result of the hit that we took on September 11, but the Pentagon reconstruction project was going on before that time as well. We were upgrading safety at the Pentagon; and without those upgrades, a lot more people could have died in the hit on September 11.

So we have now one section of the Pentagon that is reconstructed with a lot more safety measures included in the rest of the building, but there are still four wings left to go. Now, I do not know how the gentleman from Iowa feels; but as far as I am concerned, we need to continue that reconstruction work at the Pentagon so that we can make all of the wings of the Pentagon as safe as the new wing has been made with its construction program. And I make no apology for the fact that that program will continue under the continuing resolution. It should and it must if we are concerned about the safety of people who work at the Pentagon.

Beyond that, I would note that another example used by OMB of one-time spending is the national pharmaceutical stockpile. Well, that is true. We spent a lot of extra money last year on that program, but now we are also being asked by the President to purchase anthrax vaccines for everybody. I assume the gentleman would like to see that continue, even though that would be defined as a continuation of a

so-called 1-year expenditure. Again, I make no apology for the fact that the continuing resolution will allow that to continue.

So I think before the gentleman takes an oversimplified look at what constitutes 1-year spending, he ought to ask whether or not that spending is justifiably continued, because we have higher priorities such as keeping all of the people at the Pentagon more safe and seeing to it that this country has an adequate pharmaceutical stockpile.

I would also note the gentleman is going to be asked to provide several billion dollars in directed scoring for the defense budget. I believe the gentleman provided that last year; and yet he did not want to do the same thing for highway spending. If that is the case, that is the gentleman's prerogative, but it means that the bill that contains an important bridge in his district is not going to be able to go forward on this House floor. So when we look at the details, I think we will find reasons why some of this funding continues, even though if we take a look at a brief staff memo on it, one might conclude that it is all not worth it. I think some of it is, and I think I have just cited several cases that are.

Mr. YOUNG of Florida. Mr. Speaker, I yield 3 minutes to the very distinguished gentleman from Texas (Mr. DELAY), the majority whip; but before he begins, I would like to notify the gentleman from Wisconsin (Mr. OBEY) that the gentleman from Texas (Mr. DELAY) will be the last speaker, and then I will reserve and have a closing statement.

Mr. DELAY. Mr. Speaker, I appreciate the chairman yielding me this time.

I have been down in my office watching this debate on television, and I find it very interesting. A lot of the debate is over process. Some are saying, we passed a budget, the Senate did not pass a budget; back and forth, talking about process, bringing bills to the floor, not bringing bills to the floor, and I decided to come up to the floor to try to put it all into perspective.

The point is that, yes, in process, I congratulate the chairman of the Committee on Appropriations. He has done an incredible job in trying to hold down spending and bring a little fiscal responsibility to this process.

□ 1245

The President of the United States said when he first took office that we needed to get our fiscal house in order, that we needed to restrain spending, we needed to be fiscally responsible. We wanted to keep the balanced budget that we had. We wanted to continue to pay down the debt. That is what this Republican House has been doing for the last 8 years.

I have heard people on the floor say it was the Clinton administration that brought about the balanced budget and the surpluses that we were enjoying and using to pay down the public debt

on our children. I see history a little bit differently. In 1993, when Bill Clinton became President, we found deficits to the tune of \$250-, \$300 billion every year, year in and year out.

The two budgets that the Democrat House at that time, in 1993 and 1994, passed had deficits of \$250 billion, \$300 billion, as far as the eye could see. They never intended to balance the budget. There was no initiation by the President of the United States or this Democrat House, Democrat-controlled House, they never offered a budget that would get us to balance. In fact, they raised taxes as they increased spending, and the deficits continued.

When the Republicans took over in 1995, they laughed at our Contract with America, but part of that contract was to balance the budget. They said that we could never do it. I remember the Washington pundits all saying that there was no way we could balance the budget under the present conditions, but we started doing things differently.

In fact, I remember the Balanced Budget Act of 1997 that the President vetoed, fought over, shut down the government. We fought like cats and dogs out here. They never voted for it. The other side of the aisle never voted for it; yet, we finally got it into law. That was the beginning of fiscal responsibility initiated by this Republican House, pushed by this Republican House, and fought for by this Republican House, which was a great signal to the economy, by the way. That along with the growth in the economy is what created the balanced budget that we were enjoying. We did it in the face of opposition like I have never seen before; yet, after it was done, even this morning, they took credit for it.

Now, the problem, as we have seen over the last year, as the President has rightly pointed out, is that we were attacked. We are at war. We have security issues that have driven up spending. The economy is slowing, so the revenues are slower than normal. There are other issues.

There are other issues that have caused this problem, but instead of them talking about how do we get back to balance, what this argument has been going on, as I watched it all this morning and this afternoon, is they want to spend more. The reason they vote against the bills for the last 8 years, the appropriation bills, is because it is not enough spending for them. What we are trying to do here during this whole process is to bring some fiscal responsibility to what this government does.

They vote against bills that do not have enough spending, and they keep voting. They want to bring bills out here so they can continue to spend more. Their interest is to spend more; our interest is to bring fiscal responsibility to government and, most importantly, protect the taxpayers' money. That is what this argument is all about.

The President of the United States said, send me a bill anywhere over my

budget numbers, and I will veto it. Do Members know what: The Republicans in the House partner with the President and we say the same thing, so we are not going to send him a bill to veto that is overspending. We are bringing fiscal responsibility to this floor. They want to tax and spend; we are trying to do the right thing. I think the American people appreciate it.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. STENHOLM).

(Mr. STENHOLM asked and was given permission to revise and extend his remarks.)

Mr. STENHOLM. Mr. Speaker, it is amazing how we can rewrite history on the floor of the House. On the economy and the actions of this body that took place from 1990 until this year. Let me quickly review.

The 1990 budget took Democratic support along with Republican support in a bipartisan way that laid the foundation on the budget rules and the economy that ultimately balanced the budget in 1993. The budget in 1993, not a single Republican voted for the 1993 budget, which put the walls up on the economy that we enjoy today.

In 1997, it took Democrats to work with some Republicans to pass the 1997 budget that has gotten a lot of credit, much of which was not due, but it at least was part of the process. Every time we have made decisions that move the country forward, we have done it in a bipartisan way.

I, again, have no quarrel with the appropriators, the gentleman from Florida (Chairman YOUNG), or the manner in which the chairmen and the ranking members are proceeding forward. My quarrel is with the economic game plan that has gotten us to the point that we have borrowed now \$440 billion, \$440 billion during the last year.

The majority whip just stood up here and defended the economic game plan that he is proud of, that he is responsible for, for making certain that this Congress does not do anything other than what he wants to do, and he refuses to take the credit for that which he has wrought.

What is interesting today is we look at corporate America and the unfunded liabilities of pension plans all over the country which corporate America is having to come up with the money to fund, but yet we in this House refuse to come up with the money to fund the unfunded liabilities of the Social Security system, the Medicare, the Medicaid, the veterans, all of this. We refuse to because that was not in the budget that everybody over here is so proud of.

I wish Members would quit coming to the floor and saying there was no Democratic alternative, because they know it is not true; there was a Democratic alternative. We offered it. We lost. We lost. We did not have the votes. When we do not have the votes, we lose; but quit saying we had no alternative. We did have an alternative,

and if we followed it, we would not be in quite as deep a hole as we are in today.

Mr. OBEY. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the previous Republican speaker is the majority party whip. It is his job to line up votes to pass every bill that the Republican leadership brings to the floor.

The reason we are seeing no appropriation bills come to the floor is because he cannot find the votes in his own caucus for the President's education budget, so his answer to everything is, delay and delay and delay.

What I would suggest to the gentleman, he is absolutely right: On this side of the aisle, we do want to provide more money for education than the President; we do want to provide more money for environmental protection; and we do want to provide more money for health care, because too many people are losing health coverage, and we need to do something about it.

Now, I would say to the gentleman from Texas (Mr. DELAY), he gives great speeches about how the Democratic position in wanting to do those three things is irresponsible. If Members think it is, put it to the test: Bring the bill out. It is their bill, they are in the majority, and they ought to have the votes to pass their bill. If they do not, it is because people in their own caucus are telling them it is cockamamie.

If Members want to see movement in this House, bring the bills out, and they should take their chances. If they have the best arguments, they will whip us. But just because they think we in the minority are wrong is no excuse for their doing nothing at all.

Right now that is what the majority party whip is leading his caucus to do: no action on education; no action on health care; no action on housing; no action on environmental cleanup; no action on agriculture; nothing but delay, delay, delay, and duck. What leadership. It is dazzling in its irresponsibility.

Mr. OBEY. Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I wanted to explain to the Members why my friend and colleague, the gentleman from Wisconsin (Mr. OBEY), is in such a good mood today: Today is his birthday; and he is not getting much older, but he is getting a little older.

I remember one night we kept him here late on an appropriations bill, and it was his wedding anniversary. We all had to call and apologize to his wife. But anyway, I say to the gentleman from Wisconsin, happy birthday.

Mr. Speaker, what we are dealing with today is not a tax bill, it is not a budget resolution, and unfortunately, it is not even an appropriations bill, one of the 13 regular bills; it is a continuing resolution that just continues the same CR that we passed last week. It merely extends the date, it does not change anything else.

Some things have been raised here today that have to do with the Committee on the Budget. I thought I might want to respond to that. For example, it was suggested by a member of the Committee on the Budget that we were going to rebuild the Pentagon twice. That is not true. We are not going to do that.

First of all, the money to rebuild the Pentagon was in the initial \$40 billion emergency supplemental that we passed in a bipartisan way with the help of the gentleman from Wisconsin (Mr. OBEY) to fight back against terrorism, to recover in New York, and to rebuild the Pentagon, so that was in that bill. It is not an issue.

We do work with OMB as we deal with the numbers on appropriations bills, and the letter here from Mr. Daniels talking about the CR, the language of the CR, and Mitch Daniels is the Director of the Office of Management and Budget. He said, "Consistent with past practice, we will reduce one-time non-recurring costs. Example: We will not rebuild the city of New York twice, we will not rebuild the Pentagon twice."

So based on the Office of Management and Budget's preliminary spending on this resolution, spending on an annual basis would be below the 2003 budget that was submitted by the President and below the House-passed budget resolution. So I do not know where the excitement comes from from members of the Committee on the Budget.

Now, another issue was raised, and I am glad my friend, the gentleman from Texas, is still on the floor. He did talk about pay-go. Pay-go has to do with mandatory spending. Pay-go is a requirement in mandatory spending that the salaries would have to be increased based on the law, but that that cost would have to be offset. But that is not in this bill, because this is not a budget resolution.

If the Committee on the Budget is concerned about pay-go, they ought to put a resolution on the floor and deal with pay-go. Those rules, they did expire on October 1.

I brought up the issue of pay-go not so much to talk about that, but to talk about mandatory spending. For those who are concerned about what we are doing or not doing on appropriations bills, and for those who are concerned about the fact that the government spends too much money, let me suggest that discretionary spending, the appropriations that I deal with as chairman, that the gentleman from Wisconsin (Mr. OBEY) deals with as the ranking member, we deal with one-third of the overall budget. Two-thirds, two-thirds of the government spending is mandatory, over which we as appropriators have no involvement whatever, except our vote on the floor. If we are serious about containing and constraining spending, we had better deal with mandates.

One of the big issues that Members have heard me talk about on the floor

before was the agriculture bill that went \$100 billion over the baseline, and some of the very people concerned about the levels of spending on the discretionary accounts voted for that bill.

Now, if Members are going to be concerned about too much spending, pay attention to the mandates, the back-door spending. Pay attention there as much as they do to the discretionary spending. Then we will have a fair and equal, balanced debate. But until we pay attention to mandatory spending, there is not a whole lot of room to talk on discretionary spending.

Mr. BLUMENAUER. Mr. Speaker, Tuesday of this week, the 2003 fiscal year began and Congress has not yet completed a single appropriations bill. The Republican party's split among its conservative members continues to stall the appropriations process. This failure to complete our budget and funding responsibilities leads to more strain on our fragile economy. I again support this short-term resolution to keep agencies operating, but I urge leadership to move the appropriations process along so we can find the education programs we promised in the No Child Left Behind Act; so we can find the technology and new-hires needed for seaport and airport security; and, so we can find the many other priorities and commitments that the American people expect of us.

Mr. YOUNG of Florida. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The joint resolution is considered as having been read for amendment.

Pursuant to House Resolution 568, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 404, nays 7, not voting 20, as follows:

[Roll No. 439]

YEAS—404

Abercrombie	Ballenger	Berry
Ackerman	Barcia	Biggert
Aderholt	Barr	Bilirakis
Akin	Barrett	Bishop
Allen	Bartlett	Blagojevich
Andrews	Barton	Blumenauer
Armey	Bass	Blunt
Baca	Becerra	Boehner
Bachus	Bentsen	Bonilla
Baird	Bereuter	Bono
Baldacci	Berkley	Boozman
Baldwin	Berman	Borski

Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clyburn
Coble
Collins
Combest
Condit
Conyers
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon

Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Klecza
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)

McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-
McDonald
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Obey
Oliver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascarell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays

Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skeltan
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sununu

Sweeney
Tancredo
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden

Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—7

DeFazio
McDermott
Miller, George

Nussle
Oberstar
Owens

Paul

NOT VOTING—20

Baker
Boehlert
Bonior
Callahan
Clement
Cooksey
Deal

Fattah
Green (TX)
Hastings (FL)
Hilleary
Lampson
Larsen (WA)
Lewis (CA)

Mascara
Roukema
Schrock
Stump
Tanner
Tierney

□ 1320

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PRIVILEGES OF THE HOUSE— SENSE OF HOUSE THAT CON- GRESS SHOULD COMPLETE AC- TION ON H.R. 854 OR OTHER PRO- VIDER REIMBURSEMENT LEGIS- LATION

Mr. FARR of California. Mr. Speaker, I rise to a question of the privileges of the House and offer a privileged resolution that I noticed pursuant to rule IX and ask for its immediate consideration.

The SPEAKER pro tempore (Mr. THORNBERRY). The Clerk will report the resolution.

The Clerk read as follows:

Whereas President George W. Bush has urged Congress to put Medicare on a “sustainable financial footing” in order to assure Americans of affordable and accessible health care.

Whereas the Administration has failed to take action to protect Medicare and Medicaid programs from severe cuts that threaten basic services to persons in need of health care.

Whereas the Medicaid program is facing significant cuts through reductions in the disproportionate share hospital program, threatening the very financial viability of the nation’s public hospitals.

Whereas the cuts made in order by the Balanced Budget Act were postponed until 2003 by the Benefits Improvement and Protection Act but without further congressional action cuts will be reimposed and have the potential to seriously cripple safety-net public health services in states across the nation.

Whereas, in addition to slashing payments to hospitals the Administration has also eliminated the UPL payments for hospitals,

further weakening their ability to provide health care to the indigent and uninsured.

Whereas federal payments to states for this program have been reduced by approximately \$700 million in FY 2002 and will be reduced further by about \$900 million in FY 2003, thus severely restricting public hospitals’ ability to serve persons in need of health care.

Whereas the number of uninsured persons without access to health care has risen in the last year to 41.2 million.

Whereas by failing to act Congress imposes on the states and localities an undue burden to carry health care costs as well as abrogates its responsibility to maintain the general welfare of the country, bringing discredit to this Body and threatening the very well-being of the populace.

Now, Therefore, Be It Resolved that it is the sense of the House of Representatives that the Congress should complete action on H.R. 854 or other provider reimbursement legislation before recessing and should insure that Medicare and Medicaid providers have appropriate funds to carry out their health care mandates.

The SPEAKER pro tempore. The Chair will hear briefly from the proponent of the resolution as to whether the resolution constitutes a question of privileges of the House under rule IX.

Mr. FARR of California. Mr. Speaker, rule IX of the House Rules Manual states that questions of privilege are “those affecting the rights, reputation, and conduct of, Members, Delegates, or the Resident Commissioner, individually, in their representative capacity only.”

The rights, reputation and conduct of this Member are negatively affected when the House cannot move legislation that the American people overwhelmingly support. That is true when it comes to full funding for education, for prescription drug, HMO reform and economic recovery.

I, like others, represent 700,000 people. My rights and those of my constituents are being denied when urgent legislation that has majority support is blocked from consideration simply because the Republican leadership will not schedule the bill.

As a result, I believe this resolution meets the test of privilege.

While the health care safety net is under particular strain, general health care providers, hospitals, doctors and home health care agencies are facing disastrous financial circumstances.

The Disproportionate Share Hospitals, also known as DSH hospitals, cuts first enacted in the Balanced Budget Act of 1997 were initially postponed, but now are scheduled to go back into force, creating a health care havoc for hospitals across this Nation. In California alone, the DSH cuts total \$184 million and will grow exponentially if we do not act to correct this situation. The hospital system in California, nor in any other State, can absorb this level of funding reduction. We have to act now.

Other provider reimbursement programs are facing similar financial catastrophe. Physician reimbursements were reduced by 5.4 percent in January of this year and are scheduled to decline by another 17 percent by the year

2005. Just 2 days ago, a 10 percent reduction in nursing reimbursements to nursing homes and skilled nursing home facilities was implemented. How are these critical facilities supposed to cope? How will their patients fare unless Congress addresses a reasonable level of care?

States and localities that operate hospitals and health clinics to treat the indigent and low-income populations rely on Medicaid revenues to help cover their costs. Low provider rates compound the effects of other losses that these facilities will be experiencing this year, including the dramatic drop in Federal revenues from the DSH cliff and reductions in State support, and reductions in the State support because of the implications at the State level.

I urge this body not to recess unless we can correct the problem and make sure that basic health care providers, our public hospitals and doctor networks, have the funds they need to give care when and where it is needed. It is our duty as the legislative branch of government not to abandon these responsibilities. We must do this, and we have to do it now.

I ask for support of my resolution.

The SPEAKER pro tempore. The Chair is prepared to rule on whether the resolution offered by the gentleman from California constitutes a question of the privileges of the House under rule IX.

The resolution offered by the gentleman from California expresses the sense of the House that the Congress should complete action on a legislative measure. Specifically, the resolution calls upon the Congress to complete action on a specific health care bill or other similar legislation and to ensure that health care providers are adequately funded.

As the Chair ruled yesterday, a resolution expressing the sentiment that Congress should act on a specified measure does not constitute a question of privileges of the House under rule IX.

The Chair would further add that the Chair understands the gentleman from California purported to invoke a question of the privileges of the House rather than a question of personal privilege.

Accordingly, the resolution offered by the gentleman from California does not constitute a question of the privileges of the House under rule IX and may not be considered at this time.

Mr. FARR of California. Mr. Speaker, I appeal the ruling of the Chair, and I ask to be heard on the appeal.

□ 1330

The SPEAKER pro tempore (Mr. THORNBERRY). The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE OFFERED BY MR. HULSHOF

Mr. HULSHOF. Mr. Speaker, I move to lay the appeal on the table.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from Missouri (Mr. HULSHOF) to lay on the table the appeal of the ruling of the Chair.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FARR. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 206, nays 192, not voting 34, as follows:

[Roll No. 440]

YEAS—206

Aderholt
Akin
Armey
Bachus
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte

Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Hansen
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Herger
Hobson
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (KY)
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering

Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—192

Abercrombie
Ackerman
Allen

Andrews
Baca
Baird

Baldacci
Baldwin
Barrett

Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Gutierrez
Hall (TX)
Harman
Hill
Hilliard
Hinchey

Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loifgren
Lowey
Lucas (KY)
Luther
Lynch
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-
McDonald
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar

NOT VOTING—34

Baker
Barcia
Callahan
Clement
Cooksey
Cox
Deal
DeGette
Fattah
Ganske
Green (TX)
Gutknecht

Hastings (FL)
Hefley
Hilleary
Hoekstra
Keller
Klecza
LaFalce
Lampson
Lewis (CA)
Linder
Maloney (CT)
Mascara

□ 1356

Ms. SOLIS and Mr. RAHALL changed their vote from “yea” to “nay.”

Mr. SMITH of Michigan changed his vote from “nay” to “yea.”

So the motion to table was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 448

Mr. CARSON of Oklahoma. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 448.

The SPEAKER pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PRIVILEGES OF THE HOUSE—INTEGRITY OF PROCEEDINGS AS PRESCRIBED BY THE CONSTITUTION

Ms. CARSON of Indiana. Mr. Speaker, I rise to a question of the privileges of the House, and offer a privileged resolution that I noticed yesterday pursuant to rule IX, and ask for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

Whereas under Article I, Section IX, of the Constitution states no money shall be drawn from the Treasury, but in Consequence of Appropriations made by law.

Whereas it is the fiscal duty of the Congress to appropriate annually the funds needed to support the execution of the programs and operations of the Federal Government.

Whereas to date the House has only considered five Appropriations bills.

Whereas President George W. Bush has ignored the requests of Amtrak for an Appropriation of \$1.2 billion, and has instead proposed only \$521 million in funding.

Whereas the House Appropriations Committee gutted funding for Amtrak with every Republican member of the Committee voting to cut funding, despite the dire impact this will have on their own districts.

Whereas instead of strong support and consistent growth in support for the nation's passenger rail system the President's FY 2003 Budget seeks to strangle Amtrak so that the Administration can begin to implement plans to privatize the system.

Whereas Amtrak provided a critical transportation need in the months after the terrorist attacks of September 11th, and has seen consistent growth in ridership despite continued levels of inadequate funding.

Whereas Amtrak serves more than 500 stations in 46 states and employs over 24,000 people, and Amtrak passengers on Northeast corridor trains would fill 250 planes daily or over 91,000 flights each year.

Resolved, That it is the sense of the House of Representatives that the Congress should complete action on the Fiscal Year (FY) 2003 Transportation Appropriations, with an allocation of \$1.2 billion for Amtrak.

□ 1400

The SPEAKER pro tempore (Mr. THORNBERRY). The Chair will hear briefly from the gentlewoman from Indiana as to whether the resolution constitutes a question of privileges of the House under rule IX.

Ms. CARSON of Indiana. Mr. Speaker, article 1, section 9, of the Constitution states that no money shall be drawn from the Treasury but in consequence of appropriations made by law. It is the fiscal duty of the Congress to appropriate the money necessary to provide the funds needed to support the execution of programs and operations of the Federal Government. To date, only five of the 13 appropriations measures have been considered. Mr. Speaker, this inaction has hampered this body's constitutional duty and called into question its integrity.

The failure of this unrealistic budget resolution is especially true in respect to the fiscal year 2003 transportation appropriations bill in its funding for Amtrak. This inaction has hampered this body's constitutional duty. After the events of September 11, our Nation's air transportation system ground to a halt. After the Federal Aviation Administration grounded all flights following the terrorist attacks, travelers turned to Amtrak. Whether people had to travel for business, to help with rescue efforts or just to get home, Amtrak kept Americans moving during a time of national emergency. Amtrak ridership and revenues skyrocketed, led by the Northeast Corridor, which had a 13.5 percent revenue growth and a 4.6 percent ridership growth in 2001. For the system as a whole, revenue rose 8.2 percent and ridership 4.3 percent. The situation not only proved that Amtrak works but that passenger rail is a critical part of our transportation infrastructure.

Despite this, Mr. Speaker, we continue to drastically underfund Amtrak, jeopardizing not only the safety and security of this country but the jobs and the livelihoods of tens of thousands of Americans. We have been told that if Amtrak receives the full \$1.2 billion that both it and the Department of Transportation has recommended it receive, they will be able to begin to revitalize their operations, they will be able to revitalize and build upon the successes they have seen in the Northeast Corridor, they will be able to revitalize and build on rail service to areas of the country currently underserved by rail and, Mr. Speaker, they will be able to revitalize operations at their Beech Grove maintenance facility, which is in my district. They will be able to rehire the 228 employees who were furloughed back in February and rejuvenate a facility that has served this country since 1905. Workers at the plant right now are working 7 days a week to keep the facility running.

The SPEAKER pro tempore. The Chair requests the gentlewoman confine her remarks to the issue of whether the resolution constitutes a question of privileges of the House.

Ms. CARSON of Indiana. Mr. Speaker, my question of privilege regards the integrity of our proceedings as a House as prescribed by the Constitution. The United States Constitution conveys upon this body the power to originate appropriation measures. It is not only our responsibility but our duty and obligation to restate this message in this legislation about the importance of Amtrak.

I believe that we have probably not been in accordance with our constitutional responsibilities concerning appropriations and would argue that their continued inaction on such urgent priorities, as full funding of Amtrak, meets the test for privileged resolutions.

The SPEAKER pro tempore. The Chair is prepared to rule on the ques-

tion of whether the resolution offered by the gentlewoman from Indiana constitutes a question of privileges of the House under rule IX.

The resolution offered by the gentlewoman from Indiana expresses the sense of the House that the Congress should complete action on a legislative measure. Specifically, the resolution calls upon the Congress to complete action on a general appropriation bill with regard to prescribed funding for Amtrak.

As the Chair ruled yesterday and earlier today, a resolution expressing the sentiment that Congress should act on a specified measure does not constitute a question of the privileges of the House under rule IX.

The mere invocation of the general legislative power of the purse provided in the Constitution coupled with a fiscal policy end does not meet the requirements of rule IX and is really a matter properly initiated through introduction in the hopper under clause 7 of rule XII.

Accordingly, the resolution offered by the gentlewoman from Indiana does not constitute a question of the privileges of the House under rule IX and may not be considered at this time.

Ms. CARSON of Indiana. Mr. Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE OFFERED BY MR. ROGERS OF MICHIGAN

Mr. ROGERS of Michigan. Mr. Speaker, I move to lay the appeal on the table.

The SPEAKER pro tempore. The question is on the motion to table offered by the gentleman from Michigan (Mr. ROGERS).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. CARSON of Indiana. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 203, noes 192, not voting 36, as follows:

[Roll No. 441]

AYES—203

Aderholt	Buyer	Diaz-Balart
Akin	Calvert	Doolittle
Armey	Camp	Dreier
Bachus	Cannon	Duncan
Ballenger	Cantor	Dunn
Barr	Capito	Ehlers
Bartlett	Castle	Ehrlich
Barton	Chabot	Emerson
Bass	Chambliss	English
Bereuter	Coble	Everett
Biggert	Collins	Ferguson
Bilirakis	Combest	Flake
Blunt	Cox	Fletcher
Boehrlert	Crane	Foley
Bonilla	Crenshaw	Forbes
Bono	Cubin	Fossella
Boozman	Culberson	Frelinghuysen
Brady (TX)	Cunningham	Gallagher
Brown (SC)	Davis, Jo Ann	Gekas
Bryant	Davis, Tom	Gibbons
Burr	DeLay	Gilchrist
Burton	DeMint	Gillmor

Gilman
Goode
Goodlatte
Goss
Graham
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (KY)
LoBiondo

Lucas (OK)
Manzullo
McCrery
McHugh
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer

Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandin
Schakowsky
Schiff
Scott
Serrano
Sherman

Shows
Skelton
Smith (WA)
Snyder
Solis
Spratt
Stenholm
Strickland
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Turner

Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

HASTINGS of Florida, REYES, BOSWELL, PETERSON of Minnesota, and CRAMER.

From the Committee on Armed Services, for consideration of defense tactical intelligence and related activities: Messrs. STUMP, HUNTER, and SKELTON.

There was no objection.

PARLIAMENTARY INQUIRY

Mr. GOSS. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GOSS. Mr. Speaker, I may not have heard properly, but that list did not exactly conform to the list I submitted, and I want to make sure we remove any doubt.

The SPEAKER pro tempore. The Clerk properly read the list which was submitted by the Speaker. The Chair will take the gentleman's comments under advisement and make further adjustments in the future as needed.

NOT VOTING—36

Baker
Barcia
Boehner
Callahan
Clement
Cooksey
Deal
DeGette
Fattah
Ganske
Granger
Green (TX)

Hastings (FL)
Hilleary
Jenkins
Keller
Lampson
Lewis (CA)
Linder
Maloney (CT)
Mascara
McInnis
McKinney
Oxley

Reynolds
Roukema
Sawyer
Schrock
Slaughter
Stark
Stump
Stupak
Tanner
Thurman
Towns
Whitfield

□ 1436

Mr. HALL of Texas and Mr. WYNN changed their vote from "aye" to "no."

So the motion to table was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. MALONEY of Connecticut. Mr. Speaker, I was detained on Thursday, October 3, 2002, and missed rollcall votes Nos. 440 and 441. Had I been present, I would have voted "no" on rollcall No. 440 and "no" on rollcall No. 441.

I request that my statement appear in the RECORD at the appropriate place.

APPOINTMENT OF CONFEREES ON H.R. 4628, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2003

Mr. GOSS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4628) to authorize appropriations for fiscal year 2003 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentleman from Florida? The Chair hears none and, without objection, appoints the following conferees:

From the Permanent Select Committee on Intelligence, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. GOSS, BERREUTER, CASTLE, BOEHLERT, GIBBONS, LAHOOD, CUNNINGHAM, HOEKSTRA, BURR of North Carolina, CHAMBLISS, EVERETT, Ms. PELOSI, Mr. BISHOP, Ms. HARMAN, and Messrs. CONDIT, ROEMER,

PERMISSION TO HAVE UNTIL MIDNIGHT, MONDAY, OCTOBER 7, 2002 TO FILE CONFERENCE REPORT ON H.R. 4628, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2003

Mr. GOSS. Mr. Speaker, I ask unanimous consent that the managers may have until midnight on Monday, October 7, 2002, to file the conference report on the bill (H.R. 4628) to authorize appropriations for fiscal year 2003 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

LEGISLATIVE PROGRAM

(Ms. PELOSI asked and was given permission to address the House for 1 minute.)

Ms. PELOSI. Mr. Speaker, I yield to the gentleman from Ohio (Mr. PORTMAN) for the purpose of inquiring about the schedule for next week.

Mr. PORTMAN. Mr. Speaker, I appreciate the gentlewoman's indulgence, and I appreciate her yielding on the schedule.

Mr. Speaker, I am pleased to announce the House has completed its legislative business for the week. No votes are expected in the House tomorrow in order to allow Members to attend the funeral service for the Honorable Patsy Mink, our former colleague from the State of Hawaii.

The House will meet for legislative business on Monday, October 7, at 9:30 a.m. for morning hour and 11 a.m. for legislative business. The majority leader will schedule a number of measures under suspension of the rules, a list of which will be distributed to the Members' offices tomorrow. Recorded votes on Monday will be postponed until 6:30 p.m.

NOES—192

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley

Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Gutierrez
Hall (TX)
Harman
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Klecza
Kucinich
LaFalce
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin

Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Lynch
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender
McDonald
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Oliver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez

For Tuesday and the balance of the week, the majority leader has scheduled the following measures for consideration in the House: first, H.J. Res. 114, providing authorization for the use of military force against Iraq; second, a continuing resolution; and, third, H.R. 2037, the Protection of Lawful Commerce in Arms Act. Additionally, I am advised that conference reports may be brought up at any time during the week.

I thank the gentlewoman for yielding.

Ms. PELOSI. Mr. Speaker, reclaiming my time, I thank the gentleman for that information. I thank and hope he will convey the gratitude of the Members of the House who wish to attend the funeral of our dear friend and colleague, Congresswoman Patsy Mink, in Hawaii. I thank the Speaker and our distinguished minority leader for accommodating the request and making that possible.

I had some questions about the schedule. On the question of the Iraq debate, issues of war and peace are the most important decisions we make. In 1991, every Member was given the opportunity to speak for 5 minutes. What is the thinking of about how much debate we will have on this important resolution?

I yield to the gentleman from Ohio.

Mr. PORTMAN. I appreciate the gentlewoman yielding, and I thank her for her inquiry. As the gentlewoman knows, we are working closely with the minority leader both on substance and process. The Committee on International Relations is currently marking up the resolution. It is my understanding that the majority leader and the Speaker and the minority leader would intend to have ample time for a full and fair debate on that critical issue, as the gentlewoman says, of war and peace. But I know that there has been no decision made yet on time, nor has the Committee on Rules met to consider the rule.

Ms. PELOSI. Mr. Speaker, I thank the gentleman. Is the gentleman prepared to inform us whether alternatives will be allowed to the President's proposal?

Mr. PORTMAN. Mr. Speaker, if the gentlewoman will continue to yield, again, no decision has been made. We do not yet have the resolution out of the Committee on International Relations. It is my understanding that by 5 p.m. tomorrow Members are asked to submit possible amendments or substitutes to the Committee on Rules; and again, we then would be in a position to know better what the possibility is of the substitute or amendments. But we have nothing to announce definitively at this point.

Ms. PELOSI. Mr. Speaker, does the gentleman have any knowledge of the plans for next Friday? Will the House be in session?

Mr. PORTMAN. Mr. Speaker, again, if the gentlewoman will yield, there is no decision yet made as to whether we

will be in session on Friday. I think from talking to the majority leader that it really depends on conference reports. We have the possibility of a conference report, for instance, on energy; and I know the gentleman from Wisconsin (Mr. OBEY) is here, and there is the possibility of conference reports on DOD and military construction appropriations, and other conference reports, including election reform, that may be before the House.

So Members should be advised that it is possible that we would be in next Friday considering conference reports.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for that information.

What is the gentleman's latest prediction from the leadership on his side on when the House will adjourn before the election, and do you believe we will return for a lame duck session?

Mr. PORTMAN. Mr. Speaker, again, I have nothing to announce definitively. I wish for my own personal purposes that I did, as I am sure all Members are eager to know that. But it will depend obviously on the work we can get done here in the next week and, more importantly, in the Senate. There are a number of matters that the House would like to take up. The Speaker has made it clear, for instance, that we should complete work on the homeland security bill that would provide for the new creation of the Department of Homeland Security, but that bill is currently in the Senate. So I suppose the answer would be nothing definitive at this point, but we are waiting to hear from the Senate.

□ 1445

Ms. PELOSI. On a final note, I would say, Mr. Speaker, that we have eight appropriations bills still to consider, including the very important one dealing with education, our number one national priority; also, the appropriation bills that deal with veterans, medical care, transportation, and agriculture.

In addition, this House urgently needs to address our worsening economy. One and one-half million workers have exhausted unemployment benefits, jobless claims are the highest since May, pension plans are eroding on a daily basis, and health care is not being addressed. We need to bring these substantive issues to the floor. We must not leave for this election without addressing these urgent needs.

Mr. OBEY. Mr. Speaker, will the gentlewoman yield?

Ms. PELOSI. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, I would like to ask the gentleman from Ohio (Mr. PORTMAN) this question.

I note that another continuing resolution is being scheduled, sort of like Groundhog Day. We just finished one today. The purpose of continuing resolutions is to give us time to do our other business.

Given that fact, can the gentleman tell me, are there any plans for the ma-

jority to bring the agriculture appropriations bill before us any time soon?

Mr. PORTMAN. Mr. Speaker, if the gentlewoman will continue to yield, I know of no plans to bring the agriculture appropriations bill to the floor.

As the gentleman knows better than I, the committee is working not only on that appropriation bill, but others. We still find ourselves with an interesting situation, with the Senate not having passed a budget and not having some of the fiscal discipline and parameters we need to move forward.

But we have no information on the agriculture appropriations bill at this point.

Mr. OBEY. If the gentlewoman will yield further, with all due respect, Mr. Speaker, nothing is required of the Senate for us to do our work.

I assume that there are no plans to bring the District of Columbia appropriations bill out; the labor, health, education bill out; the foreign operations bill out, which has some crucial funding for Afghanistan and other areas; the transportation and the energy and water bills.

So am I to conclude, therefore, that despite the fact that we are passing a continuing resolution, we are not going to use that time to do any of our other regular appropriations work?

Mr. PORTMAN. If the gentlewoman will continue to yield, just again to make the point that we do have a busy week next week, and with the possibility of the Department of Defense appropriations bill and the military construction appropriations bills out of conference coming before the House, but that is the schedule for the week as we know it.

Mr. OBEY. Mr. Speaker, if the gentlewoman will continue to yield, let me indicate that I am reaching the point where I am becoming highly reluctant to support any other continuing resolutions of a week or longer in nature because they do not seem to be affording us or they do not seem to be providing any pressure for us to pass our regular appropriation bills.

I think it is probably about time that we start thinking about having 1-day continuing resolutions in order to put maximum pressure on this House to perform. I thank the gentlewoman for her time.

Ms. PELOSI. I thank the gentleman for his valuable contribution, and I thank the gentleman from Ohio (Mr. PORTMAN) for the information on the schedule.

Mr. Speaker, I think that every day that goes by, this body appears to be more irrelevant to the concerns of the American people. The jobless rate is increasing, employment insurance is exhausted, we have not funded the education bill, and there are so many issues that we must deal with that are immediate concerns to the lives of America's working families.

This House has to provide leadership and stop making up excuses for not doing the people's business.

REMOVAL OF MEMBER AS CONFEE ON H.R. 4628, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2003

The SPEAKER pro tempore (Mr. REHBERG). Without objection, the gentleman from Florida (Mr. HASTINGS) is removed as a conferee on H.R. 4628, since he is no longer a member of the Permanent Select Committee on Intelligence.

There was no objection.

The SPEAKER pro tempore. The Clerk will notify the Senate of the change in conferee.

ADJOURNMENT TO MONDAY, OCTOBER 7, 2002

Mr. PORTMAN. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9:30 a.m. on Monday next for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. PORTMAN. Mr. Speaker, I ask unanimous consent that business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

APPOINTMENT OF THE HON. MAC THORNBERRY TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH TUESDAY, OCTOBER 8, 2002

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

THE SPEAKER'S ROOMS,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 3, 2002.

I hereby appoint the Honorable MAC THORNBERRY to act as Speaker pro tempore to sign enrolled bills and joint resolutions through October 8, 2002.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

APPOINTMENT OF MEMBERS TO ATTEND FUNERAL OF THE LATE HONORABLE PATSY T. MINK

The SPEAKER pro tempore. Pursuant to House Resolution 566, the Chair announces the Speaker's appointment of the following Members of the House to the committee to attend the funeral of the late Patsy T. Mink:

Mr. ABERCROMBIE of Hawaii;
Mr. GEPHARDT of Missouri;
Ms. PELOSI of California;
Mr. OBEY of Wisconsin;
Mr. GEORGE MILLER of California;
Mr. SENSENBRENNER of Wisconsin;
Mr. FALEOMAVAEGA of American Samoa;
Ms. DELAURO of Connecticut;
Ms. WATERS of California;
Mrs. CLAYTON of North Carolina;
Ms. ESHOO of California;
Ms. EDDIE BERNICE JOHNSON of Texas;
Mr. MICA of Florida;
Mr. SCOTT of Virginia;
Mr. UNDERWOOD of Guam;
Ms. WOOLSEY of California;
Ms. JACKSON-LEE of Texas;
Ms. LOFGREN of California;
Ms. MILLENDER-MCDONALD of California;
Ms. LEE of California;
Mr. KIND of Wisconsin;
Mr. WU of Oregon; and
Ms. WATSON of California.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 1-minute at this time.

TRIBUTE TO NANCEE ANN BLOCKINGER, CHIEF OF STAFF TO HON. JAMES V. HANSEN, ON HER RETIREMENT

(Mr. HANSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HANSEN. Mr. Speaker, I stand today to proudly pay tribute to my Chief of Staff, Nancee Ann Blockinger. Nancee has stood with me for my entire career in the United States Congress. For 22 years she has served me, the people of Utah, and the people of this country with unsurpassed dedication.

Her hard work and loyalty has earned her the reputation among staff and Members as a consummate professional. I have never had to worry about how my office was being run or our compliance with House rules. I knew Nancee was on top of it. Her intelligence, hard work, and caring attitude has made a difference in more ways than I could ever imagine.

My staff and I extend our sincere gratitude and appreciation to Nancee, and recognize all that she has unselfishly given of herself over the past 22 years. Her career on Capitol Hill has indeed touched many lives, and her service will be remembered with fondness.

I am honored to pay tribute to Nancee today in front of this distinguished body of Congress. She is my Chief of Staff, my friend, and I wish her only the very best in her retirement.

RECOGNIZING GARDEN GROVE UNIFIED SCHOOL DISTRICT FOR BEING CHOSEN AS FINALIST FOR BROAD FOUNDATION AWARD

(Ms. SANCHEZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SANCHEZ. Mr. Speaker, I rise today to recognize the Garden Grove Unified School District, which I am proud to represent, for being selected as one of the five finalists nationwide for the Eli Broad Foundation Award.

As a finalist, Garden Grove Unified was recognized as one of the top five urban school districts in the Nation, and for that it receives \$125,000 in student scholarships.

There are nearly 50,000 students in schools in the very diverse Garden Grove Unified School District. They come speaking more than 60 languages, and come from many different cultures.

The finalists were chosen for their work in improving overall student achievement and for narrowing achievement gaps, in particular for high-risk students. This prize recognizes the hard work of the teachers and the support staff of the Unified School District, and I applaud the district's efforts to overcome language and economic barriers to give our students a high-quality education.

COMMENDING MONTGOMERY COUNTY FIRST RESPONDERS, POLICE, AND RESCUE PERSONNEL, AND MONTGOMERY COUNTY PUBLIC SCHOOLS IN THEIR RESPONSE TO SHOOTINGS

(Mrs. MORELLA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MORELLA. Mr. Speaker, our thoughts, our hearts, and our prayers go out to the victims and the families of those five people who were senselessly gunned down last night and today in Montgomery County, Maryland.

The tales of these tragic shootings are still emerging. At this point, we do not know who has perpetuated these crimes, and we do not know the twisted motivation. What we do know is that this senseless violence has touched all segments of our community: women and men, African Americans, white, Hispanic, the old, the young.

I recognize this is a very difficult, scary time for our community, but I want to commend our Montgomery County first responders, our police, our rescue personnel. They are doing a terrific job under the most difficult, extreme circumstances.

I want to acknowledge all of the agencies involved in this preliminary investigation, local, State, District of Columbia, the FBI, the Secret Service. Homeland Security contacted our county also to offer their assistance.

Indeed, I will work to engage and ensure that my local community receives all of the Federal help that they may need.

I also want to recognize the Montgomery County Public Schools for their prudent, responsible actions today to keep our students safe and sound. The best thing we can do now is remain calm, but aware and vigilant, and report any suspicious activities to the police.

TRIBUTE TO THE LATE HOLLY JOHNSTON RICHARDSON

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, on behalf of myself and the gentleman from South Carolina (Mr. BROWN), I rise today to pay tribute to one of South Carolina's most dedicated public servants, the late Holly Johnston Richardson, who passed away this week after a courageous battle with breast cancer at the young age of 47.

Most people know Holly Richardson as Senator STROM THURMOND's confidante, gatekeeper, and personal adviser since 1979, but some may not know she was also one of Senator THURMOND's closest friends.

Holly was a native of Summerville, South Carolina, and was always loyally at Senator THURMOND's side. She commanded the most sincere respect from South Carolinians and Washingtonians because of her professionalism, her character, and her devotion to duty.

All of South Carolina will miss Holly's Southern charm, her warmth, and dedication to Senator THURMOND. We extend our deepest sympathies to her husband Phil, to her two children, Anne and Emmet, and to her mother and father, Joanne and Coy Johnston. Her positive influence will continue through the STROM THURMOND and Holly Richardson Public Service Scholarship at her alma mater of Converse College in Spartanburg, South Carolina.

A WORD CALLED "IRONY"

(Mr. REHBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REHBERG. Mr. Speaker, I want to talk today about a word called "irony." Webster's dictionary says irony is when there is an incongruity between the actual and the expected result of events.

Unfortunately, Mr. Speaker, we have a prime case of this in my State. The people who have produced food for all of us in this country for our whole lives, farmers and ranchers, are now having a hard time affording food themselves. The very hard-working people who made this country the breadbasket of the world now cannot afford bread themselves.

That is a pretty good example of an irony; is it not? It is also a good example of a cruel irony.

Mr. Speaker, I implore the Members of this House to finally hear our plea for assistance for drought-stricken farmers and ranchers, and quickly pass an agriculture disaster assistance package for crop years 2001 and 2002.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. GEKAS). Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

□ 1500

HONORING SEYMOUR GOLDWEBER

The SPEAKER pro tempore (Mr. REHBERG). Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, I rise today to honor one of Florida's outstanding agricultural heroes, Seymour Goldweber.

Near Jersey City, Seymour was born on July 24, 1918. As a young boy he moved with his family to Miami where he completed primary and secondary school and became an Eagle Scout with Miami's oldest scout troop. He then joined the United States Marine Corps before the start of World War II.

Seymour served throughout the war in the Pacific Theater where he fought in many military campaigns, including the Marines' costly battle at Iwo Jima. Following his military service to our country, he returned to Miami-Dade County where he obtained his Bachelor of Science degree in botany at the University of Miami in 1950.

Seymour Goldweber began his professional career at the University of Miami's Tropical Fruit Research Farm at Richmond Field conducting horticulture research studies on tropical fruit. His work brought these unknown species from around the world into productive specimens, worthy of national and international marketing, including guavas, mangos, and avocados that we enjoy today.

Mr. Goldweber joined the University of Florida-Miami-Dade County Cooperative Extension Service as their fruit crops agent in 1960 where he designed their nationally and internationally prominent extension programs.

In particular, his extension programs for the development of tropical and subtropical fruit has had an enormous impact in establishing south Florida's tropical fruit industry for distribution across the USA and for export around the globe.

Seymour has shared his extensive knowledge and expertise by training numerous other extension office faculty and staff. He is a role model and mentor of outstanding caliber and per-

formance. He made the mold. Seymour Goldweber is widely recognized by our local and State agencies. He is the choice to lecture to visiting professors, tour with college students, host an event, or guide a bus full of journalist and legislative representatives through America's grocery, South Miami-Dade County.

Seymour is the go-to guy for his vast knowledge, his capabilities in research and instruction, and his friendly style. His voice is reassuring and recognized across Miami and South Miami-Dade County. You can see the stamp of Seymour Goldweber's experience and loaned expertise with many organizations, including the American Society for Horticultural Science, the Dade County Farm Bureau, the Florida State Horticultural Society, the Florida Avocado and Lime Administrative Committees, the Mango Forum, and the Dade County Youth Fair, Miami-Dade County's Fruit and Spice Park, and the State of Florida's Farmers Market, and so many others.

Seymour is a founding member of the AGRI-Council, the Rare Fruit Council International, the Tropical Agriculture Fiesta, and Fairchild Tropical Gardens.

He also serves on the South Dade Soil and Water Conservation District Board and the Dade County Public School Citizen Advisory Committee for AGRIBusiness and Natural Resources.

He is a member of the National Association of the Federal Retired Employees and a proud member of the American Legion.

Seymour Goldweber has been honored by the National Weather Service for 24 years as the liaison to the agricultural community. He also has an annual scholarship in his name that is presented by the AGRI Council to the outstanding agricultural student of the year.

He has received the Dedicated Service in Agriculture award by the Horticultural Society of Florida, the Distinguished Service in Agriculture award by the Florida Mango Forum, and the Outstanding Service Award by the Dade County Youth Fair.

Seymour was named Man of the Year by the Horticulture Studies Society of Florida in 1980. He was honored to receive the Paul Harris Fellow by the Rotary Club of Homestead for furthering understanding of people of the world.

Mr. Goldweber is the sought-after speaker for highly diverse audiences, including farmers, master gardeners, community and agri-business leaders, school teachers, homeowners, youth and 4-H programs, and local, State and Federal Government representatives.

Many growers, local leaders, and organizations seek him out for his knowledge and his repertoire on agricultural issues and historical events.

Upon his retirement from the Cooperative Extension Service in 1984, after 24 years of outstanding service, Seymour was awarded the first Extension Agent Emeritus Designation in the State of Florida. Though he was officially, and

is supposedly, retired, his service to the community has continued to this day.

Seymour Goldweber continues to work for us, for the sheer love of agriculture, tropical fruits, and the growers who need and love him.

To our hero, Seymour Goldweber, and his wonderful wife, Libby, felicidades a los dos.

DO NOT POSITION USA AS A COMMON ENEMY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, coming from a family of combat infantry men and Marines, I must say that anytime this Congress is asked to consider the authorization for the use of force, it is a request that we consider very seriously. I might add that most of those who are making this request from the White House have never served in combat themselves. Certainly the Secretary of Defense has not. Certainly the Communications Director of the White House who made the flippant statements this week that one silver bullet is cheaper than going to war, in referencing a possible assassination in Iraq, is one of the most appalling comments I have ever heard from a White House official. If he had been in the service of Franklin Roosevelt or Harry Truman or John Kennedy, he would no longer have a job.

The resolution this Congress will be asked to consider next week is a work in progress. Initially it started with inspections where we had the broad support of the international community. And all we needed to do was expand that a little bit and be rigorous, as we have done before, working with our allies around the world. But, no, the ante was raised by the White House conveniently 4 weeks before an election now and the objective is regime change.

The President has said it, it is not disallowed in the resolution that is brought up to us; and I want to speak tonight a little bit about how the United States, not just through this resolution but through the rhetoric that has been spewing out of Washington here across the Islamic and Arab world, is going to increase terrorism, is going to increase hatred toward the United States of America. When the President of the United States uses terms like dead or alive, do you think General Omar Bradley would have ever said that? General Hugh Shelton, would he have ever used those terms so publicly?

When you have not been to war, you are loose with your rhetoric.

Senator Warren Rudman, who helped produce a report with Senator George Mitchell about the rising threat of terrorism around the world, sobered our membership when he came up here a few months ago and said though he had traveled the world as a Senator, he did

not realize until he got into the issue of terrorism how much he found America hated around the world.

Tonight I want to place in the RECORD a longer analysis of what is really wrong with U.S. policy towards that region of the world, but let us be clear where the hatred comes from and what spawns the terrorism.

First of all, we have the lack in the Middle East and Central Asia of a real resolution to the Israeli-Palestinian conflict. This has been with us in the free world for over 50 years. We do not have a peace process under way. Every night we see in the newspapers or we see on television more killing of Israelis by Palestinians or vice versa.

There was a great cartoon, a sad cartoon, in one of the newspapers recently showing Mr. Sharon and Mr. Arafat holding hands and falling together down a deep cavern and blaming one another as they fell to their certain deaths.

We as a world need to organize in order to resolve the Israeli-Palestinian conflict. Without it, terrorism will continue not only in that region of the world but will find its way creeping into our homeland as we saw on 9-11.

The other major issue deals with U.S. ties to the oil kingdoms in the Middle East on which we have become even more dependent than during the oil crises of the 1970s and the Persian Gulf War in the early 1990s, and importantly to the repressive regimes that our dollars help support. There is a very rude awakening in the Middle East and Central Asia for a different way of life and America is fast becoming the excuse for the repression under which the majority of people live all in undemocratic regimes.

So my first advice tonight is please, Mr. President, do not position the United States as the common enemy that serves as a unifying force against which all the disparate malcontents and discontents of the Middle East and Central Asia can unite. We saw a sign of that in our homeland last year. But not only our homeland, across the world American embassies are being built like bunkers. Our diplomats are being killed more and more, every 10 years more of them are killed, whether it is Africa, whether it is Malaysia, whether it is the Middle East.

To achieve long-term stability, the United States' policy toward the Arab and Islamic world must be shaped multilaterally and affirm our belief in democratic principals. Unfortunately, the Bush administration's policies continue us down this dangerous path.

ALLIES WORKING TOWARD A SECURE FUTURE

To achieve long-term stability, U.S. policy toward the Arab and Islamic world must be shaped multilaterally and affirm our nation's belief in democratic principles. The Bush Administration's initiatives will lead to neither. Indeed, it is positioning the U.S. to be the common enemy in a volatile region where terrorism grows with each passing decade of war and remembrance.

Bush policies—such as threatening regime change or the “one bullet policy” on Iraq—

are destabilizing and pose a real threat to U.S. long-term interests. These irresponsible policies inject the U.S. into the festering antipathy of disparate forces whose common denominator is growing anti-Western sentiment.

Thus, a resolution that employs all diplomatic and economic means to draw broad multilateral support to allow U.N. arms inspectors access to conduct robust investigations of Iraq's suspected weapons sites is of paramount importance. As a first step, Congress should support the recently negotiated international agreement allowing inspectors to return to Iraq after four years. Especially in this region of the world, former Senator George Mitchell emphasizes the importance of diplomacy in the Mitchell Report, “Whatever the source, violence will not solve the problems of the region. It will only make them worse. Death and destruction will not bring peace, but will deepen the hatred and harden the resolve on both sides. There is only one way to peace, justice, and security in the Middle East, and that is through negotiation.”

FIRST STRIKE

Based on the lack of verifiable evidence presented to Congress and the American people, the President's proposal to preemptively, or unilaterally, strike against Iraq is unacceptable. Due to the predictably destabilizing effect on the region, the U.S. should avoid a first strike. Dr. Mark Juergensmeyer, Director of Global and International Studies at U.C. Santa Barbara, “It is essential that a multilateral force be deployed if action is contemplated.”

If America goes to war, the cause must be just and better justified.

TOWARD A CHANGED REGION

Powerful Islamic stirrings inside undemocratic regimes in the Middle East and Central Asia, including violent forces operating outside nation-states (like Al Qaeda), create conditions for emerging revolutions. In responding to these, the U.S. must act in a manner that is true to our founding principles as the world's oldest democratic republic. We, too, have been a revolutionary people aspiring to a better way of life.

We must not wed ourselves to monarchy, dictatorship, or repression. As a superpower, the U.S. must position itself for long-term, relations with many emerging nations. The U.S. should not become the inheritor of a new world order in the Middle East and Central Asia, nor an occupying force. Simply put, U.S. dominance there is not unilaterally sustainable.

GRAVE AND GATHERING VS. IMMINENT THREAT

Congress must ask: what is the “imminent threat” to the U.S. that justifies a war resolution now? The President, in his remarks before the U.N., stated, “Iraq is a grave and gathering danger.” He did not say “an imminent threat.”

What has Iraq done differently in the last 4 months than the prior year to warrant invasion now? Yes, Iraq is a secular state that seeks greater domination over the Arab world. But intelligence briefings have indicated that Iraq has fewer military capabilities than it did 10 years ago. Secretary Rumsfeld has stated that Iraq's army is only 40% of what it was 10 years ago. The Central Intelligence Agency and Defense Intelligence Agency have verified that Iraq's chemical and nuclear capabilities are substantially less than 10 years ago. However, in the area of biologics, Iraq is likely ahead of where it was 10 years ago.

The international community has the opportunity to use its united efforts to require Iraq to abide by U.N. resolutions requiring immediate access to verify Iraq's commitment to rid itself of weapons of mass destruction and long-range missiles.

THERE IS A DISTINCTION BETWEEN AL QAEDA AND IRAQ

Congress must ask the Bush Administration to distinguish between Al Qaeda and Iraq. The carnage that took place on September 11, 2001, was committed by members of the Al Qaeda terrorist network. Al Qaeda's primary objective is to rid the Middle East of all foreign influence and impose strict Islamic religious rule based on its particular interpretation of the religion. Iraq, rather, is a secular state headed by a military dictator, Saddam Hussein, holding the second largest oil reserves in the Middle East. Saddam's chief objective is to control the entire region's oil reserves and eventually gain greater power in the Arab world.

America's war on terrorism began as a clear campaign against Al Qaeda, not Iraq. Neither Congress nor the American public has been presented with any evidence of a connection between Iraq and Al Qaeda. Though some terrorists may be "present" especially in the northern zone of Iraq, which Hussein does not control, there is no linkage of evidence between them and the government of Iraq. The President asserted in his draft resolution that members of Al Qaeda are "known to be in Iraq" and that Iraq may give weapons to terrorists. His statements are filled with innuendoes, not facts. No intelligence information has been presented to Congress to add certainty to the President's statements.

OIL IS THE PRIMARY UNDERPINNING OF U.S. "VITAL" INTEREST

Congress must ask: For how long will Americans be asked to die for "vital interests" centered in the oil kingdoms? The economic underpinning of Iraq is oil—the second largest reserves in the world. 95% of Iraq's economy is oil driven. Americans might ask the question: "Why has the U.S. become bogged down in this region so many times in modern history?" and "Why have all of America's major recessions in the past 30 years been triggered by rising oil prices?" In fact, rising oil prices triggered our current recession, and prices are rising again.

During the 1970's, two Arab oil embargoes drove the U.S. economy into deep recession. President Jimmy Carter tried to move America toward energy independence, calling the challenge the "moral equivalent of war." But as world oil prices dropped through O.P.E.C. price manipulation, America lost its edge on energy independence. Though conservation and alternative energy development progressed, their pace was not sufficient to meet demand.

In the early 1990's, America went to war over Iraq's invasion of neighboring Kuwait's oil fields and port access. In October 2000, the USS *Cole*, a Navy destroyer protecting the oil shipping lanes in the Persian Gulf, was suicide bombed in Yemen's harbor. Even now, as the President contemplates invasion, 8% of America's oil originates in Iraq.

Oil is not worth one more American soldier's life, nor any more disruption to our national economy. America needs a national commitment to become energy independent again in this decade, much like the space program of the 1960s that led America into the heavens. Ms. Robin Wright, Foreign Diplomatic Correspondent for the Los Angeles Times has stated, "To build a more peaceful world, the U.S. must deal with the oil issue. It must also deal with the political destiny of people in that part of the world who want to have some say in their futures."

NAKED AGGRESSION IS NOT THE AMERICAN WAY

Yes, Iraq is in gross violation of U.N. resolutions calling for inspections, but America should not pressure Iraq unilaterally, without maintaining that same broad-based

international support. It was proper for President Bush to deliver an address at the United Nations. Our nation has always sought to be a constructive partner among the community of nations. We need to maintain this policy of engagement with the nations of the world.

Naked aggression by a superpower with no evidence presented to its lawmakers is discomforting to the American people and not the way to forge alliances in a troubled part of the world. America, surely, does not wish to be perceived as the "bully on the block" in the most oil rich region of the world where not one democratic state exists.

A PLAN FOR THE FUTURE

As a first step, we should support International Strategic Partnership to Eliminate a Common Threat (INSPECT), an alternate resolution encouraging the President to support the recently negotiated inspection plan between the Iraqi Government and international representatives calling for a robust team capable of ensuring that Iraq is no longer in violation of international agreements. The resolution rejects any unilateral military action by the U.S. until Congress is able to grant its approval. In addition, the President must submit a report to Congress, at least every 30 days, on matters relevant to this resolution. According to David Albright, President of the Institute for Science and International Security, "Nuclear threat is not imminent. Because the threat is not imminent, inspectors could be beneficial."

WITH REGARDS TO WAR: IS CONGRESS RELEVANT?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, the last time Congress declared war was on December 11, 1941, against Germany in response to its formal declaration of war against the United States. This was accomplished with wording that took less than one-third of a page, without any nitpicking arguments over precise language, yet it was a clear declaration of who the enemy was and what had to be done. And in 3½ years, this was accomplished. A similar resolve came from the declaration of war against Japan 3 days earlier. Likewise, a clear-cut victory was achieved against Japan.

Many Americans have been forced into war since that time on numerous occasions, with no congressional declaration of war and with essentially no victories. Today's world political condition is as chaotic as ever. We're still in Korea and we're still fighting the Persian Gulf war that started in 1990.

The process for our entering war the past 57 years and the inconclusive results of each war since that time are obviously related to Congress' abdication of its responsibility regarding war, given to it by article I section 8 of the Constitution.

Congress has either ignored its responsibility entirely over these years, or transferred the war power to the executive branch by a near majority vote of its Members, without consideration of it by the States as an amendment required by the Constitution.

Congress is about to circumvent the Constitution and avoid the tough decision of whether war should be declared by transferring this monumental decisionmaking power regarding war to the President. Once again, the process is being abused. Odds are, since

a clear-cut decision and commitment by the people through their Representatives are not being made, the results will be as murky as before. We will be required to follow the confusing dictates of the U.N., since that is where the ultimate authority to invade Iraq is coming from—rather than from the American people and the U.S. Constitution.

Controversial language is being highly debated in an effort to satisfy political constituencies and for Congress to avoid responsibility of whether to go to war. So far the proposed resolution never mentions war, only empowering the President to use force at his will to bring about peace. Rather strange language indeed!

A declaration of war limits the presidential powers, narrows the focus and implies a precise end point to the conflict. A declaration of war makes Congress assume the responsibilities directed by the Constitution for this very important decision, rather than assume that if the major decision is left to the President and a poor results occurs, it will be his fault, not that of Congress. Hiding behind the transfer of the war power to the executive through the War Powers Resolution of 1973 will hardly suffice.

However, the modern way we go to war is even more complex and deceptive. We must also write language that satisfies the U.N. and all our allies. Congress gladly transfers the legislative prerogatives to declare war to the President, and the legislative and the executive branch both acquiesce in transferring our sovereign rights to the U.N., an unelected international government. No wonder the language of the resolution grows in length and incorporates justification for starting this war by citing U.N. resolutions.

In order to get more of what we want from the United Nations, we rejoined UNESCO, which Ronald Reagan had bravely gotten us out of, and promised millions of dollars of U.S. taxpayer support to run this international agency started by Sir Julian Huxley. In addition, we read of promises by our administration that one we control Iraqi oil, it will be available for allies like France and Russia, who have been reluctant to join our efforts.

What a difference from the days when a declaration of war was clean and precise and accomplished by a responsible Congress and an informed people.

A great irony of all this is that the United Nations Charter doesn't permit declaring war, especially against a nation that has been in a state of peace for 12 years. The U.N. can only declare peace. Remember, it wasn't a war in Korea; it was only a police action to bring about peace. But at least in Korea and Vietnam, there was fighting going on, so it was a bit easier to stretch the language than it is today regarding Iraq. Since Iraq doesn't even have an Air Force or a Navy, is incapable of waging a war, and remains defenseless against the overwhelming powers of the United States and the British, it's difficult to claim that we're going into Iraq to restore peace.

History will eventually show that if we launch this attack—just as our sanctions already have—the real victims will be the innocent Iraqi civilians who despise Saddam Hussein and are terrified of the coming bombs that will destroy their cities.

The greatest beneficiaries of the attack may well be Osama bin Ladin and the al Qaeda.

Some in the media have already suggested that the al Qaeda may be encouraging the whole event. Some unintended consequences do occur, what will come from this attack is still entirely unknown.

It's a well-known fact that the al Qaeda are not allies of Saddam Hussein and despise the secularization and partial westernization of Iraqi culture. They would welcome the chaos that's about to come. This will give them a chance to influence post-Saddam-Hussein Iraq. The attack, many believe, will confirm to the Arab world that indeed the Christian West has once again attacked the Muslim East, providing radical fundamentalists a tremendous boost for recruitment.

An up or down vote on declaring war against Iraq would not pass the Congress, and the President has no intention of asking for it. This is unfortunate, because if the process were carried out in a constitutional fashion, the American people and the U.S. Congress would vote No on assuming responsibility for this war.

Transferring authority to wage war, calling it permission to use force to fight for peace in order to satisfy the U.N. Charter, which replaces article I, section 8 war power provision, is about as close to 1984 "newspeak" that we will ever get in the real world.

Not only is it sad that we have gone so far astray from our Constitution, but it's also dangerous for world peace and threatens our liberties here at home.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GREEN) is recognized for 5 minutes.

(Mr. GREEN of Texas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

(Mr. FILNER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

PUT AN END TO CORPORATE ABUSE AND HELP EMPLOYEES AND RETIREES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. GEKAS) is recognized for 5 minutes.

Mr. GEKAS. Mr. Speaker, we have seen a bevy of cases in which corporate executives plunder their own business, work with insiders, and do dastardly things in their business world. We have seen them use every kind of device known to mankind to avoid their responsibilities to their debtors, to their

employees, to the retirees, to their fellow insiders even. And so we have done great things in trying to curb that kind of practice.

Yesterday, I introduced H.R. 5525, which takes another step down the road of protecting the employees and the retirees of a given company that might have corporate executives going down the wrong paths. My bill would simply state that if such a corporate executive should go bankrupt or a business like that go bankrupt, that retirees under that corporate structure will be protected with respect to their retirement so that the bankruptcy would not absolve the retirees benefits that would accrue to them if the corporation kept alive.

And so protecting retirees is one of the aspects of our bankruptcy reform bill for corporate executives. The other one would be to make sure that employees currently on the payroll are not robbed of their potential pay checks by a bankruptcy that absolves or tries to absolve the corporate executives from meeting their salary and wage obligations to the employees. We allow the bankruptcy courts to take that into consideration when such a bankruptcy occurs so that the employees can be protected.

This is a national extension of the work that we have been doing over 5 years now to reform the bankruptcy laws of our country. Do you recognize the fact that the current law which we are trying to change and which we are within a quarter of an inch of trying to change that the current law under bankruptcy allows one of these corporate executives to take millions of dollars, escape to a State that has a homestead exemption and then purchase a big mansion in one of these places where the full value of that mansion would not be subject to creditors or to employees or anybody else?

We have changed that in our bankruptcy reform bill. And so everyone should recognize that one of the good things that comes out of bankruptcy reform is further safeguarding against corrupt corporate executives and streamlines a system that for so many years really required streamlining.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

(Mr. BROWN of Ohio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. SHOWS) is recognized for 5 minutes.

(Mr. SHOWS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. STRICKLAND) is recognized for 5 minutes.

(Mr. STRICKLAND addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FARR) is recognized for 5 minutes.

(Mr. FARR of California addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. TAYLOR) is recognized for 5 minutes.

(Mr. TAYLOR of Mississippi addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

CHANGE IN APPOINTMENT OF CONFEREES ON H.R. 4, SECURING AMERICA'S FUTURE ENERGY ACT OF 2002

The SPEAKER (during the Special Order of Mr. KUCINICH). Pursuant to clause 11 of rule I, the Chair announces that in the appointment of the managers on the part of the House in the conference on the bill H.R. 4, the gentlewoman from Wyoming (Mrs. CUBIN) is appointed, in addition to the appointment from the Committee on Resources, for consideration of the House bill and the Senate amendment, and modifications committed to conference.

The Clerk will notify the Senate of the change in conferees.

VOTE "NO" ON IRAQ WAR RESOLUTION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Ohio (Mr. KUCINICH) is recognized for 60 minutes as the designee of the minority leader.

Mr. KUCINICH. Mr. Speaker, I want to thank the Speaker and the leadership for providing me with this opportunity.

Mr. Speaker, it was just a few moments ago that 25 Members of Congress, in temperatures that outside

were over 90 degrees, stood one after another to announce their opposition to the war resolution that has been presented to this Congress.

□ 1515

As the vote on whether or not this Nation goes to war approaches in this Chamber, a vote which most surely will come within a few days, I think it is important, Mr. Speaker, for us to be able to make the case to the American people as to why it is not appropriate for this country to go to war and to encourage the American people to call their Members to make sure that government of the people, by the people, and for the people does prevail.

The Members who joined me today, Members for whom I have the greatest gratitude, include the gentlewoman from Florida (Ms. BROWN), the gentleman from Ohio (Mr. BROWN), the gentleman from Massachusetts (Mr. CAPUANO), the gentlewoman from North Carolina (Mrs. CLAYTON), the gentleman from Michigan (Mr. CONYERS), the gentleman from Illinois (Mr. DAVIS), the gentleman from Oregon (Mr. DEFazio), the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), the gentleman from Texas (Mr. DOGGETT), the gentleman from California (Mr. FARR), the gentleman from California (Mr. FILNER), the gentlewoman from Texas (Ms. JACKSON-LEE), the gentlewoman from Ohio (Ms. KAPTUR), the gentleman from Virginia (Mr. MORAN), the gentleman from Massachusetts (Mr. OLVER), the gentlewoman from Michigan (Ms. RIVERS), the gentleman from Vermont (Mr. SANDERS), the gentleman from New York (Mr. SERRANO), the gentlewoman from Illinois (Ms. SCHAKOWSKY), the gentlewoman from California (Ms. SOLIS), the gentlewoman from Ohio (Mrs. JONES), the gentlewoman from California (Ms. WATERS), the gentlewoman from California (Ms. WATSON), and the gentlewoman from California (Ms. WOOLSEY).

One after another they came before the national press to make their case as to why this Congress should vote against any resolution which would put us on a path towards war. And one after another, in front of the National Press Corps, they called out to the American people to tell the American people to make sure that they called their Members of Congress; that if they did not want war, these Members told the National Press Corps, that if the American people do not want war, to call their Congressman.

So, Mr. Speaker, today, I intend to do a number of things. I intend to present to this Congress an analysis of the joint resolution which was offered to this Congress; and, after presenting that analysis, I want to put in perspective where we are in this moment in history.

The resolution which this Congress is facing says: "Whereas in 1990 in response to Iraq's war of aggression against an illegal occupation of Kuwait, the United States forged a coalition

of nations to liberate Kuwait and its people in order to defend the national security of the United States and enforce United Nations Security Council resolutions relating to Iraq."

The American people need to know that the key issue here is that in the Persian Gulf War there was an international coalition. World support was for protecting Kuwait. There is no world support for invading Iraq.

The resolution goes on to say: "Whereas after the liberation of Kuwait in 1991, Iraq entered into a United Nations sponsored cease-fire agreement pursuant to which Iraq unequivocally agreed, among other things, to eliminate its nuclear, biological, and chemical weapons programs and the means to deliver and develop them, and to end its support for international terrorism;

"Whereas the efforts of international weapons inspectors, United States intelligence agencies, and Iraqi defectors led to the discovery that Iraq had large stockpiles of chemical weapons and a large scale biological weapons program, and that Iraq had an advanced nuclear weapons program that was much closer to producing a nuclear weapon than intelligence reporting had previously indicated."

But the key issue here that the American people need to know is that U.N. inspection teams identified and destroyed nearly all such weapons. A lead inspector, Scott Ritter, said that he believes that nearly all other weapons not found were destroyed in the Gulf War. Furthermore, according to a published report in *The Washington Post*, the Central Intelligence Agency, yes, the Central Intelligence Agency, has no up-to-date accurate report on Iraq's capabilities of weapons of mass destruction.

The resolution that is presented to this Congress says: "Whereas Iraq, in direct and flagrant violation of the cease-fire, attempted to thwart the efforts of weapons inspectors to identify and destroy Iraq's weapons of mass destruction stockpiles and development capabilities, which finally resulted in the withdrawal of inspectors from Iraq on October 31, 1998."

What the American people need to know, and the key issue here, is that the Iraqi deceptions always failed. The inspectors always figured out what Iraq was doing. It was the United States that withdrew from the inspections in 1998, and the United States then launched a cruise missile attack against Iraq 48 hours after the inspectors left. And it is the United States, in advance of a military strike, the U.S. continues to thwart, and this is the administration's word, weapons inspections.

Now, this resolutions, and what I am doing here obviously is stating the resolution as a point and then making the counterpoint so the American people can understand that this is a capsule summary of the debate that is going to take place in this House next week.

In the resolution the administration contends: "Whereas, in 1998 Congress

concluded that Iraq's continuing weapons of mass destruction programs threatened U.S. vital interests and international peace and security, declared Iraq to be in material and unacceptable breach of its international obligations and urged the President to take appropriate action, in accordance with the Constitution and relevant laws of the United States, to bring Iraq into compliance with its international obligations."

The resolution says: "Whereas Iraq both possesses a continuing threat to the national security of the United States and international peace and security in the Persian Gulf region and remains in material and unacceptable breach of its international obligations by, among other things, continuing to possess and develop a significant chemical and biological weapons capability, actively seeking a nuclear weapons capability, and supporting and harboring terrorist organizations."

The American people deserve to know that the key issue here is that there is no proof that Iraq represents an imminent or immediate threat to the United States of America. I will repeat: there is no proof that Iraq represents an imminent or immediate threat to the United States. A continuing threat does not constitute a sufficient cause for war. The administration has refused to provide the Congress with credible evidence that proves that Iraq is a serious threat to the United States and that it is continuing to possess and develop chemical and biological and nuclear weapons.

Furthermore, there is no credible evidence connecting Iraq to al Qaeda and 9-11, and yet there are people who want to bomb Iraq in reprisal for 9-11. Imagine, if you will, as Cleveland columnist Dick Feagler wrote last week, if after this country was attacked by Japan at Pearl Harbor in 1941, if instead of retaliating by bombing Japan, we would have retaliated by bombing Peru. Iraq is not connected by any credible evidence to 9-11, nor is it connected by any credible evidence to the activities of al Qaeda on 9-11.

The resolution says, and I quote, continuing in this comparison point by point, the resolution says, that we will be voting on the administration's resolution: "Whereas Iraq persists in violating resolutions of the United Nations Security Council by continuing to engage in brutal repression of its population thereby threatening international peace and security in the region, by refusing to release, repatriate, or account for non-Iraqi citizens wrongfully detained by Iraq, including an American serviceman, and by failing to return property wrongfully seized by Iraq from Kuwait."

The counterpoint, and what the American people deserve to know, the key issue here, is that this language is so broad that it would allow the President to order an attack against Iraq even though there is no material

threat to the United States. Since this resolution authorizes the use of force for all Iraq-related violations of U.N. Security Council directives, and since the resolution cites Iraq's imprisonment of non-Iraqi prisoners, this resolution could be seen by some to authorize the President to attack Iraq in order to liberate Kuwaiti citizens, who may or may not be in Iraqi prisons, even if Iraq met compliance with all requests to destroy any weapons of mass destruction.

The resolution goes on to say: "Whereas the current Iraqi regime has demonstrated its capability and willingness to use weapons of mass destruction against any other nations and its own people;

"Whereas the current Iraqi regime has demonstrated its continuing hostility toward, and willingness to attack, the United States, including by attempting in 1993 to assassinate former President Bush and by firing on many thousands of occasions on United States and Coalition Armed Forces engaged in enforcing the resolutions of the United Nations Security Council."

The counterpoint of this, Mr. Speaker, and the key issue here, is that the Iraqi regime has never attacked, nor does it have the capability to attack, the United States. The no-fly zone was not the result of a U.N. Security Council directive. Now, many people do not know that. They think the U.N. Security Council established the no-fly zone. It did not. The no-fly zone was illegally imposed by the United States, Great Britain, and France, and is not specifically sanctioned by any Security Council resolution.

The resolution goes on to say, and I quote from the resolution: "Whereas members of al Qaeda, an organization bearing responsibility for attacks on the United States, its citizens, and interests, including the attacks that occurred on September 11, are known to be in Iraq."

Well, the American people need to know there is no credible evidence that connects Iraq to the events of 9-11 or to participation in those events by assisting al Qaeda.

The resolution states, and I quote: "Whereas Iraq continues to aid and harbor other international terrorist organizations, including organizations that threaten the lives and safety of American citizens."

The key issue here, and the counterpoint that the American people need to know, is that any connection between Iraq's support of terrorist groups in the Middle East, Mr. Speaker, is an argument for focusing great resources on resolving the conflict between Israel and the Palestinians. It is not a sufficient cause for the United States to launch a unilateral preemptive strike against Iraq. Indeed, an argument could be made that such an attack would exacerbate the condition in the Middle East and destabilize the region.

The resolution states: "Whereas the attacks on the United States of Amer-

ica of September 11, 2001 underscored the gravity of the threat posed by the acquisition of weapons of mass destruction by international terrorist organizations."

And, again, and I stress, the American people need to know that there is no connection between Iraq and the events of 9-11. However, this resolution attempts to make the connection over and over and over. And just saying that there is a connection does not make it so, because the Central Intelligence Agency has not presented this Congress with any credible information that indicates that there is in fact a tie between Iraq and 9-11, between Iraq and al Qaeda, or Iraq and the anthrax attacks on this Capitol.

And if we are to go to war against any Nation, and I oppose us doing this in this case, we ought not be taking such action in retaliation, and ought not put it in a document like this in retaliation, attacking a nation that had nothing to do with 9-11.

□ 1530

The resolution goes on to say, "Whereas Iraq's demonstrated capability and willingness to use weapons of mass destruction, the risk that the current Iraqi regime will either employ those weapons to launch a surprise attack against the United States or its Armed Forces or provide them to international terrorists who would do so, and the extreme magnitude of harm that would result to the United States and its citizens from such an attack, combine to justify action by the United States to defend itself"; that is the assertion.

The key issue here is that there is no credible evidence that Iraq possesses weapons of mass destruction. If Iraq had successfully concealed the production of such weapons since 1998, and let us assume that somebody has information they have never told Congress, they have never been able to back up, but they have this information and it is secret, and they secretly know Iraq has such weapons, there is no credible evidence that Iraq has the capability to reach the United States with such weapons, if they have them, and many of us believe no evidence has been presented that they do.

In 1991, the Gulf War, Iraq had a demonstrated capability of biological and chemical weapons, but they obviously did not have the willingness to use them against the Armed Forces of the United States. Congress has not been provided any credible information which proves that Iraq has provided international terrorists with weapons of mass destruction.

Mr. Speaker, this resolution will be presented to this Congress to vote on as a cause of war. I am reading the exact quote from the resolution, and then I am making the counterpoint. In effect, this is the first step towards a debate on this issue on this floor.

The resolution says, "Whereas United Nations Security Council Reso-

lution 678 authorizes the use of all necessary means to enforce United Nations Security Council Resolution 660 and subsequent relevant resolutions and to compel Iraq to cease certain activities that threaten international peace and security, including the development of weapons of mass destruction and refusal or obstruction of United Nations weapons inspections in violation of United Nations Security Council Resolution 687, repression of its civilian population in violation of United Nations Security Council Resolution 688, and threatening its neighbors or United Nations operations in Iraq in violation of United Nations Security Council Resolution 949."

The counterpoint and what the American people need to know is that the U.N. Charter, and we participate in the United Nations, we helped form the United Nations, we helped set up this international framework of law that is represented by the United Nations, that the United Nations Charter forbids all Member nations, including the United States, from unilaterally enforcing U.N. resolutions.

We cannot do this on our own. We cannot decide that some nation is in violation of U.N. resolutions and we take it upon ourselves to render justice.

The resolution states, that will be before this House as a cause of war, "Whereas Congress in the Authorization for Use of Military Force Against Iraq Resolution (Public Law 102-1) has authorized the President to use United States Armed Forces pursuant to United Nations Security Council Resolution 678 (1990) in order to achieve implementation of Security Council Resolutions 660, 612, 664, 665, 666, 667, 669, 670, 674, 677"; and the point is the same.

If those Security Council resolutions are not being implemented, that is up to the United Nations and the Security Council to take up the matter. It is not up to the United States to initiate unilateral action enforcing U.N. resolutions with military force.

The resolution which is being presented to this House next week says, "Whereas in December 1991, Congress expressed its sense that it supports the use of all necessary means to achieve the goals of United Nations Security Council Resolution 687 as being consistent with the Authorization of Use of Military Force Against Iraq Resolution (Public Law 102-1), that Iraq's repression of its civilian population violates United Nations Security Council Resolution 688 and constitutes a continuing threat to the peace, security, and stability of the Persian Gulf region, and that Congress supports the use of all necessary means to achieve the goals of United Nations Security Council Resolution 688."

Well, the counterpoint here is this, and what we are going to be asserting on the floor of this House is that this clause demonstrates the proper chronology of international process in contrast to the current march to war. In

1991, the United Nations Security Council passed the resolution asking for enforcement of its resolution. Member countries authorized their troops to participate in a U.N.-led coalition to enforce the U.N. resolutions. Now the President is asking Congress to authorize a unilateral first strike before the U.N. Security Council has asked its member states to enforce U.N. resolutions.

If we believe in international law, then we ought to look to what this country did in 1991 when it joined the United Nations' effort on this matter on global security and not go it alone, not initiate a unilateral action or attack or preemptive strike.

The resolution here says, "Whereas the Iraq Liberation Act (Public Law 105-338) expressed the sense of Congress that it should be the policy of the United States to support efforts to remove from power the current Iraqi regime and promote the emergence of a democratic government to replace that regime."

Well, the counterpoint is this, and the American people should know this, this sense of Congress resolution which is referred to in that paragraph was not binding. Furthermore, while Congress supported democratic means of removing Saddam Hussein, and I voted for that, we clearly did not endorse the use of force contemplated in this resolution.

Where does it end? Is there some other leader we do not like that we are going to use force to take out? Nor did Congress endorse assassination as a policy. It is absolutely horrific that a Nation which has prided itself as celebrating the rule of law, as believing in the rights of all people, that we would have any document in our government, have any public official in our government, have anybody working for this government implying or openly advocating that we would use assassination as a policy. This country has suffered from assassination of some of our greatest leaders, some of our greatest Presidents, and we know that once that principle goes out there, that it can only go against the highest principles this country stands on.

Mr. Speaker, this resolution says, "Whereas on September 12, 2002, President Bush committed the United States to work with the United Nations Security Council to meet our common challenge posed by Iraq and to work for the necessary resolutions, while also making it clear that the Security Council resolutions will be enforced, and that the just demands of peace and security will be met, or action will be unavoidable."

It goes on to say, "Whereas the United States is determined to prosecute the war on terrorism and Iraq's ongoing support for international terrorist groups combined with its development of weapons of mass destruction in direct violation of its obligations under the 1991 cease-fire and other United Nations Security Council reso-

lutions make clear that it is in the national security interests of the United States and in furtherance of the war on terrorism that all relevant United Nations Security Council resolutions be enforced, including through the use of force if necessary."

That is their cause of war. Now what the American people need to know, and the other side of that key issue is, unilateral actions against Iraq will cost the United States the support of the world community, adversely affecting the war on terrorism. No credible intelligence exists which connects Iraq to the events of 9/11 or to those terrorists who perpetrated 9/11. And under international law, the United States does not have the authority to unilaterally order military action to enforce United Nations Security Council resolutions.

The point that the administration is trying to make, and it is in this resolution, that it is a cause of war is that, "Whereas Congress has taken steps to pursue vigorously the war on terrorism through the provision of authorities and funding requested by the President to take the necessary actions against international terrorists and terrorist organizations, including those nations, organizations or persons who planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such persons or organizations."

The key issue here and what the American people need to know and what will be in debate on this floor next week is that the administration has not provided Congress with any proof that Iraq is in any way connected to the events of 9/11. The American people are fair people. They do not believe in hitting someone who did not hit them. They believe in self-defense, but they do not believe that we should bomb Iraq if Iraq is not connected to 9/11.

The administration in the resolution that we will be voting on next week, their cause of war says, "Whereas the President and Congress are determined to continue to take all appropriate actions against international terrorists and terrorist organizations, including those nations, organizations or persons who planned, authorized, committed or aided the terrorist attacks that occurred on September 11, 2001, or harbored such persons or organizations."

Again, I repeat, the answer to that is obvious. By now people need to understand, the American people need to know, the counterpoint is the administration has not provided Congress with any proof that Iraq is in any way connected to the events of 9/11. Furthermore, there is no credible evidence that Iraq has harbored those who are responsible for planning the attacks.

The resolution says, "Whereas the President has the authority under the Constitution to take action in order to deter and prevent acts of international terrorism against the United States, as Congress recognized in the joint resolution on Authorization for Use of Mili-

tary Force (Public Law 107-40);" and what the American people need to know and the key point here, the counterpoint is that this resolution that we passed, the one we passed last year, that was specific to 9/11. It was a limited response to 9/11. It did not authorize war without end. We did not vote for that. We did not vote to conduct war against Iraq a year ago.

The resolution states, "Whereas it is in the national security of the United States to restore international peace and security to the Persian Gulf region."

The key issue here, Mr. Speaker, what do we mean by national security interests? If by national security interests of the United States the administration means oil, it ought to communicate such to the Congress. A unilateral attack on Iraq by the United States will cause instability and chaos in the region, and it will sow the seeds of future conflict all over the world.

Mr. Speaker, we have an enactment clause in all laws which is effectively the stuff of which the law is made. All of the things that I have cited before are substantially prefatory clauses, even hortatory language, but the real guts of the law comes in the enactment clause.

□ 1545

The short title is the Authorization for the use of Military Force Against Iraq.

Section 2. Support for United States Diplomatic Efforts.

The Congress of the United States supports the efforts by the President to strictly enforce through the United Nations Security Council all relevant Security Council resolutions applicable to Iraq and encourages him in those efforts; and, B, obtain prompt and decisive action by the Security Council to ensure that Iraq abandons its strategy of delay, evasion and noncompliance and promptly and strictly complies with all relevant Security Council resolutions.

Mr. Speaker, Congress can and Congress should support this clause. However, the section I am about to read, which is section 3, undermines the effectiveness of this section 2. Any peaceful settlement requires Iraq compliance. The totality of this resolution, however, indicates the administration will wage war against Iraq no matter what. This approach, of course, would undermine negotiations.

I am going to cite from section 3 which is the section that all Americans are going to want to know about:

Section 3. Authorization for Use of United States Armed Forces.

Authorization. The President is authorized to use the Armed Forces of the United States as he determines to be necessary and appropriate in order to, 1, defend the national security of the United States against the continuing threat posed by Iraq; and, 2, enforce all relevant United Nations Security Council resolutions regarding Iraq.

Mr. Speaker, the key issue here and the counterpoint and what will be the focus of debate in this House next week is this fact: this clause is substantially similar to the authorization that the President originally sought. It gives authority to the President to act prior to and even without a U.N. resolution, and it authorizes the President to use U.S. troops to enforce U.N. resolutions, even without United Nations' request for it. So what we are talking about here is unilateralism. Go it alone. Policeman of the world. Strike first. Send a signal to every other nation; strike first. This is a violation of chapter 7 of the U.N. charter, which reserves the ability to authorize force for that purpose to the Security Council alone.

Under chapter 7 of the charter of the United Nations, it says that the Security Council shall determine the existence of any threat to peace and shall make recommendations to maintain or restore international peace and security. That is from article 39. It says that only the Security Council can decide that military force would be necessary. The Security Council may decide what measures are to be employed, to give effect to its decisions. Article 41. And it may take such action by air, sea or land forces as may be necessary to maintain or restore international peace and security. That is article 43.

Furthermore, the resolution that will be before us authorizes use of force illegally since the U.N. Security Council has not requested it. According to the U.N. charter, members of the U.N. such as the U.S. are required to make available to the Security Council on its call and in accordance with the special agreement or agreements, armed forces. The U.N. Security Council has not called upon its members to use military force against Iraq at the current time. Furthermore, changes to the language of the previous use of force resolution drafted by Congress and objected to by many Members of Congress are cosmetic.

I want it stated, Mr. Speaker, if I thought for a moment that this country was facing a threat and was under attack, I and every Member of this Congress would rise in a single voice. By voice we would have a unanimous resolution defending this country, because that is our proud tradition. As a matter of fact, that is one of the foundational principles of this country, to provide for the common defense. We have an obligation to provide for the common defense. But we also have an obligation not to let that hallowed principle, that sacred principle of providing for the common defense be misused.

It says provide for the common defense, not provide for the common offense. It is called the Department of Defense, not the Department of Offense. America is not an aggressor Nation, but the resolution that is brought in this House next week would for the first time in the history of this country make America an aggressor Nation. We

have to remember that we are heirs to an incredible tradition, a tradition of standing up for honesty and decency and human rights in this world, a tradition of truth telling, a tradition upon which 226 years rests. In that tradition there are no Democrats or Republicans; there are only Americans. Before this Congress defames the purpose of this country by voting for such a resolution, we owe it to the American people to go over every aspect of this resolution to make sure that we are not making a grievous mistake that would set this country on a path towards destruction.

Mr. Speaker, many of us remember last month when we left this Chamber to join hundreds of Members of Congress in a solemn commemoration of 9-11 and in solidarity with New Yorkers at Federal Hall in New York City. I know the Speaker and other Members of Congress, all of us, could sense a special energy at that sacred shrine to democracy where George Washington was sworn in, where a Congress of 2 centuries ago received the Bill of Rights. As I stood there, Mr. Speaker, in a moment of reflection, I could envision the Congress of long ago gathering as a galaxy of stars just cascaded from the sky through that circular opening above the rotunda of Federal Hall. In my mind's eye, I could see this galaxy of stars coming through representing universal principles pouring into this venerable site, in forming the pledge that Washington made to a new Nation, freedom's holy light illuminating the Bill of Rights.

In that moment, I had a new understanding about our flag. Our flag as spangled with stars as a bolt of heaven itself connects the United States with eternal principles of unity, of brotherhood and sisterhood. Look at that flag. Those stars are not just 50 States. They are principles. And the energy of the stars, present at the birth of this Nation, is still with us. It is upon that dark blue cloth of our flag. One bright star there shines for hope, another star for optimism, another for well-being, one for freedom, one star for abundance, one star for creativity, one for togetherness, and one for peace. One star to wish upon to create our highest aspirations, to make our dreams come true.

This, our country and our very selves are all made of such stars. As the popular song goes, "This is who we are." This is what gives higher meaning to our being an American. This is what gives higher meaning to patriotism. I love our flag. Though some would make it stand for chaos and war, I see the field of stars as standing for the highest expression of human unity. A higher meaning of the United States is that we express wholeness through the unity of 50 States. Out of many, we are one. That is the motto up there, Mr. Speaker, *e pluribus unum*, Latin for "out of many, we are one." We present ourselves to the world as an exemplification of the principle of oneness, of

the universality of all, of the confirmation of one in the many. The world. Out of many nations we are one. Universality, that is where we come from.

The idea of America emerged from the intellectual energy, the heart energy, the spirit energy of the Renaissance, the genesis and a journey of lovers marrying their fortunes together, bound for America, looking for that lamp lifted beside the golden door of liberty. The quest for universal principles, of justice, of human rights, of civil rights, of opportunity, of a meaningful future is what caused millions, millions to see America as the light of nations. These universal principles are the stars by which those who came to our shores sailed. These are the stars that can guide us past the shoals of arms dealers and oil interests who today would crash our ship of state upon the rocks of war.

America has a higher destiny. As with generations past, our destiny can take us to places we have never been before or can only imagine, places of peace, places of plenty, places of hope, places of love. We have a right to live up to our ideals. That is our birthright. We should not trade it for the pretensions of empire, nor for delusions of grandeur, nor for all the gold in Fort Knox, all the tea in China, nor all the oil in Iraq. America has a higher destiny. Mr. Speaker, I want to speak about the America that can be, about reestablishing the context of our Nation, about a second renaissance which can begin in this Nation with this generation.

First, let us travel to the place where civilization was born thousands of years ago, upon the banks of the Tigris and Euphrates. Let us see there, instead of dancing with death and killing untold thousands of innocent civilians, we can change directions, pull back from war with Iraq, change the outcome, connect with our aspirations for peace and reclaim our ingenuity and creativity in human relations.

Why is this war and why has this war that we are facing with Iraq, why has it been presented as inevitable? Is it not time to insist that our leaders stop incessant war talk, this assumed right to unilateral action? Is it not time that we insist on preventive diplomacy and our obligation to work with the world community on matters of global security? Why is this war being presented as inevitable?

The headlines from The New York Times the day after we visited to commemorate 9-11 read, "Bush to Warn U.N., Act on Iraq or U.S. Will. He Leads Nation in Mourning at Terrorist Sites." There is no credible evidence linking Iraq with 9-11, with al Qaeda, or with anthrax attacks. There is no credible evidence Iraq has usable weapons of mass destruction, the ability to deliver such weapons, or the intention to do so.

When Iraq possessed such weapons, quite sad to say, they did it with the knowledge and sometimes with materials from the United States. During

the administration of President Reagan, 60 helicopters were sold to Iraq. Later reports said Iraq used U.S. helicopters to spray Kurds with chemical weapons. According to The Washington Post, Iraq used mustard gas against Iran with the help of intelligence from the CIA. Intelligence reports cited the use of nerve gas by Iraq against Iran. Iraq's punishment? The U.S. reestablished full diplomatic ties around Thanksgiving of 1984. Throughout 1989 and 1990, U.S. companies, with the permission of the first Bush government, sent to Iraq, the government of Saddam Hussein, tons of mustard gas precursors, live cultures for bacteriological research, helped to build a chemical weapons factory, supplied West Nile virus, supplied fuel explosive technology, computers for weapon technology, hydrogen cyanide precursors, computers for weapon research and development, and vacuum pumps and bellows for nuclear weapons plants. "We have met the enemy," said Walt Kelly's Pogo, "and he is us."

□ 1600

Unilateral action on the part of the United States or in partnership with Great Britain would for the first time set our Nation on a blood-stained path of aggressive war, a sacrilege against the memory of those who fought to defend this country. America's moral authority would be undermined throughout the world. It would signal for Russia to invade Georgia; China, Taiwan; North Korea, South; India, Pakistan; and destabilize the entire Gulf and Middle Eastern region.

There is a way out. We need a comprehensive solution to the crisis in Iraq. It must involve the United Nations, and it can be facilitated by Russia, which signed a \$40 billion trade agreement with Iraq. Inspections for weapons of mass destruction must begin immediately. Inspectors must have free and unfettered access to all sites. Negotiations must begin.

Concerning the counterproductive policies, a regime change and sanctions, emergency relief must be expedited. Free trade except in arms should be permitted. Foreign investments should be allowed, and the assets of Iraq abroad must be restored. A regional zone free of weapons of mass destruction should be established.

If we could take a new direction in Iraq and the region, we could begin a new era of peace. We do not have to go to war. We could refocus our effort on the conflict between the Palestinians and the Israelis. We could bring new initiatives to help Pakistan and India resolve Kashmir.

Mr. Speaker, in total, the United States can repair its position in the world community through cooperation, not confrontation. We can change the world for the better, and we can look to the heavens itself for guidance. We can begin by banning any research planning or deployment of weapons in outer space. Human destiny has always

been linked with the stars. How grim that America is planning to put weapons in outer space, to seize the ultimate high ground, to attempt to gain strategic advantage over every nation on Earth.

We must turn back from such arrogance. We must let the name of peace be hallowed on Earth as it is in the heavens. With a space preservation treaty, we must direct our efforts towards solving conflicts on this planet rather than spreading war and perpetuity throughout the universe in a plan paradoxically called Vision 2020.

I have a vision of nations working together cooperatively, using what President Franklin Roosevelt called the science of human relations. That is the basis for the creation of a department of peace which seeks to make non-violence an organizing principle in our society for domestic as well as international policy. War is not inevitable unless we refuse to work for peace patiently and tirelessly.

I envision a U.S. leadership which will end the threat of nuclear destruction by realizing the promise of the Nonproliferation Treaty. Seventeen nations possess, are pursuing, or are capable of acquiring nuclear weapons. Now is the time to stop the drive towards nuclear rearmament. Now is the time to provide incentives to stop the nuclear arms race, to stop building nuclear weapons, and to stop testing.

America should restore the ABM Treaty and begin again with Russia true arms reductions towards the day when all nuclear weapons are abolished, and America can lead those 26 nations which possess or they are pursuing or are trying to get chemical weapons of mass destruction. We need to move towards participation in the chemical weapons convention and agree to have such weapons eliminated worldwide. America can lead the way towards the destruction of all biological weapons of mass destruction by signing on to the biological weapons convention. Twenty nations have designs on such weapons. Let America lead the way towards abolishing biological weapons.

We have much work to do to regain world leadership in ending the proliferation of small arms by signing the small arm treaty and to eliminate the scourge of land mines. America can help strengthen the cause of international justice by agreeing to the International Criminal Court. Certainly, certainly a Nation which has an interest in bringing to justice those in violation of international law should support an international court which would accomplish just that.

Mr. Speaker, last month I represented the United States at the World Summit on Sustainable Development. There with the gentleman from California (Mr. GEORGE MILLER), the gentleman from Oregon (Mr. BLUMENAUER), I called for our Nation to join with the world community in solving the challenge of global climate

change and working to reduce carbon emissions, greenhouse gases. America must lead the way towards sustainable and renewable energies. As a first step, I joined with Mayor Brown of Oakland, proposing a \$50 billion solar initiative in cooperation with Mikhail Gorbachev's Global Green.

It is the United States that lead the way towards a global community which is inclusive and sustainable, which promotes democratic values, and which enables the growth of potential and the health of each person by putting human rights and workers' rights and environmental quality principles into each and every trade agreement.

There is much work to do on the world stage, but we cannot do it by creating war when we ought to be working for peace. Iraq is not an imminent threat, but an unemployment rate which is reaching 6 percent is an imminent threat. Forty-one million Americans without health insurance is an imminent threat. The high cost of prescription drugs, an imminent threat. Unregulated energy companies which charge confiscatory rates for electricity and gas, an imminent threat. Large corporations which lie about their value and deprive stockholders of their life's savings, an imminent threat. Seniors losing their pensions, an imminent threat.

So, too, is the climate of fear being cycled in this country. Every time a civil liberty is rolled back or undermined in America, a little bit of our free Nation dies. Each government report which drums terror and fear weakens our Nation. When Francis Scott Key wrote "Oh, say does that star-spangled banner yet wave, o'er the land of the free and the home of the brave," he made the essential connection between democracy and courage. Courage will guide our Nation through this crisis. Courage will enable us to set our government right. Courage will enable us to go to the campuses, to labor halls, to churches and to the streets to organize against a war which will undermine our Nation, ruin our reputation, kill innocent people, and damage the economy of our Nation and the world.

We are at a critical and creative moment in the human history where we have it within our power to change the world. It is about evolutionary politics which follows an evolutionary consciousness. We can do it by changing the way we look at the world, by contemplating and realizing universal brotherhood and sisterhood of all persons. We can do it by tapping into our own unlimited potential to think anew.

Imagine, imagine if we could look at our Nation today with the same daring with which our Founders gazed. Imagine if we could regain the capacity of spirit which animated freedom of speech, the right to assemble, the right to vote, freedom from fear, freedom from want.

I tell my colleagues that there is another America out there, and it is

ready to be called forward. It is the America of our dreams. It is the America of the flag full of stars. It is the America which is in our hearts, and we can make it the heart of the world.

I thank the people of the 10th Congressional District for giving me the honor to serve the State of Ohio in this Congress, and I join once again in gratitude to all those Members of Congress who today called on the people of America to reconfirm the commitment of government of the people, by the people, and for the people, to reconfirm the connection which you have with this country. And if you do not want war with Iraq, then the people have the right to contact their Members of Congress and tell them so. That is the essence of representative government; that is the process I am proud to be a part of. That is why it is a privilege to be a Member of the Congress of the United States.

OMISSION FROM THE CONGRESSIONAL RECORD OF WEDNESDAY, OCTOBER 2, 2002 AT PAGE H6963

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Transportation and Infrastructure; which was read and, without objection, referred to the Committee on Appropriations:

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,

Washington, DC., September 26, 2002.

Hon. J. DENNIS HASTERT,
Speaker of the House,
Washington, DC

DEAR MR. SPEAKER: Enclosed are copies of resolutions adopted on September 25, 2002 by the Committee on Transportation and Infrastructure. Copies of the resolutions are being transmitted to the Department of the Army.

Sincerely,

DON YOUNG,
Chairman.

There was no objection.

DOCKET 2702: MARTIN PENA CANAL, SAN JUAN, PUERTO RICO

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Rio Puerto Nuevo, Puerto Rico, and other pertinent reports to include the dredging of Cano Martin Pena Project Design Report and Environmental Impact Statement, dated March 2001, to determine whether modifications to the recommendations contained therein are advisable at the present time in the interest of environmental restoration and protection and related purposes at the Martin Pena Canal, San Juan, Puerto Rico.

Adopted: September 25, 2002.

DOCKET 2703: ARTHUR KILL CHANNEL AND MORSES CREEK TO PERTH AMBOY, NEW JERSEY
Resolved by the Committee on Transportation and Infrastructure of the United States House

of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the New York and New Jersey Channels, published as House Document 133, 74th Congress, 1st Session, and other pertinent reports to determine whether benefits have changed affecting the feasibility of deepening the Arthur Kill channel and easing bends in the channel from Morses Creek to Perth Amboy, New Jersey, to accommodate deep draft navigation. The review shall include the locally prepared study entitled "Pre-feasibility Study for Channel Improvement—Arthur Kill from Morses Creek to Perth Amboy and Raritan Bay Approaches."

Adopted: September 25, 2002.

DOCKET 2704: ELLIOTT BAY SEAWALL, SEATTLE, WASHINGTON

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the Comprehensive Study of Water and Related Land Resources for Puget Sound and Adjacent Waters, State of Washington, dated 1971, and other pertinent reports to determine whether modifications to the recommendations contained therein are advisable at the present time in the interest of storm damage prevention, shoreline protection, environmental restoration and protection, and related purposes in Elliott Bay, Washington, including the rehabilitation of the Alaskan Way seawall.

Adopted: September 25, 2002.

DOCKET 2705: MIDDLE AND LOWER ST. CROIX RIVER, MINNESOTA AND WISCONSIN

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the St. Croix River, Wisconsin and Minnesota, published as House Document 462, 71st Congress, 2nd Session, and other pertinent reports to determine whether modifications to the recommendations contained therein are advisable at the present time in the interest of flood damage reduction, environmental restoration and protection, water quality and related purposes to include developing a comprehensive coordinated watershed management plan for the development, conservation, and utilization of water and related land resources in the St. Croix River Basin and its tributaries.

Adopted: September 25, 2002.

DOCKET 2706: TONAWANDA CREEK WATERSHED, NEW YORK

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Buffalo Metropolitan Area Water Resources Management Final Report dated 1991 and all interim studies for the entire Tonawanda Creek Watershed and related reports to determine whether modifications to the recommendations contained therein are advisable at the present time in the interest of environmental restoration and protection, flood damage reduction, stream bank restoration, water quality, recreation and other related purposes.

Adopted: September 25, 2002.

DOCKET 2707: MILL CREEK, SOUTHAMPTON, PENNSYLVANIA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the

Chief of Engineers on the Delaware River Basin, New York, New Jersey, Pennsylvania and Delaware, published as House Document 522, 87th Congress, 2nd Session, and other pertinent reports to determine whether modifications of the recommendations contained therein are advisable at the present time in the interest of flood control, environmental restoration and protection, riparian habitat improvement, erosion, and other related purposes in the Mill Creek area, Southampton, Pennsylvania.

Adopted: September 25, 2002.

DOCKET 2708: SILVER AND BROCK CREEKS, YARDLEY, PENNSYLVANIA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Delaware River Basin, New York, New Jersey, Pennsylvania and Delaware, published as House Document 522, 87th Congress, 2nd Session, and other pertinent reports to determine whether modifications of the recommendations contained therein are advisable at the present time in the interest of flood control, environmental restoration and protection, riparian habitat improvement, erosion, and other related purposes in the Silver and Brock Creeks Watersheds, Yardley, Pennsylvania.

Adopted: September 25, 2002.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. TANNER (at the request of Mr. GEPHARDT) for today on account of a death in the family.

Mr. LEWIS of California (at the request of Mr. ARMEY) for today after 11:30 a.m. and the balance of the week on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. KAPTUR) to revise and extend their remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. SHOWS, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Mr. FARR of California, for 5 minutes, today.

Mr. TAYLOR of Mississippi, for 5 minutes, today.

(The following Members (at the request of Ms. ROS-LEHTINEN) to revise and extend their remarks and include extraneous material:)

Mr. GEKAS, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, October 7.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's

table and, under the rule, referred as follows:

S. 1226. An act to require the display of the POW/MIA flag at the World War II memorial, the Korean War Veterans Memorial, and the Vietnam Veterans Memorial; to the Committee on Resources.

S. 2980. An act to revise and extend the Birth Defects Prevention Act of 1998; to the Committee on Energy and Commerce.

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on September 27, 2002 he presented to the President of the United States, for his approval, the following bills.

H.J. Res 111. Making continuing appropriations for the fiscal year 2003, and for other purposes.

H.R. 640. To adjust the boundaries of Santa Monica Mountains National Recreation Area, and for other purposes.

ADJOURNMENT

Mr. KUCINICH. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore (Mr. REHBERG). The motion is agreed to.

Mr. KUCINICH. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. All those in favor of taking this vote by the yeas and nays will rise and remain standing until counted.

An insufficient number has arisen.

The yeas and nays are refused.

So the motion was agreed to; accordingly (at 4 o'clock and 11 minutes p.m.), under its previous order, the House adjourned until Monday, October 7, 2002, at 9:30 a.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9486. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 00-07, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

9487. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans State of Montana: General Conformity [MT-001-0046a; FRL-7383-2] received October 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9488. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Volatile Organic Compound Reasonably Available Control Technology (RACT) Plans and Regulations [MA-083-7213a; A-1-FRL-7374-9] received October 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9489. A letter from the Principal Deputy Associate Administrator, Environmental

Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Allegheny County's Generic VOC and NOx RACT Regulation and Revised Definitions [PA135-4101a; FRL-7389-2] received October 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9490. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; West Virginia, Regulation to Prevent and Control Air Pollution From the Operation of Coal Preparation Plants, Coal Handling Operations and Coal Refuse Disposal Areas [WV048-6020a; FRL-7381-7] received October 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9491. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Ambient Air Quality Standard for Carbon Monoxide and Ozone [WV052-0623a; FRL-7388-9] received October 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9492. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Ambient Air Quality Standard for Nitrogen Dioxide [WV054-6022a; FRL-7381-9] received October 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9493. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Approval of PM10 State Implementation Plan (SIP) Revisions and Designation of Areas for Air Quality Planning Purposes [MA-075-7209a; A-1-FRL-7374-7] received October 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9494. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Clean Air Act Approval and Promulgation of Air Quality Implementation Plan Revision for North Dakota; Revisions to the Air Pollution Control Rules; Delegation of Authority for New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants [ND-001-0005a & 0007a; FRL-7379-8] received October 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9495. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Interim Final Determination to Stay Sanctions, Bay Area Air Quality Management District [CA 272-03969c; FRL-7387-2] received October 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9496. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Antelope Valley Air Pollution Control District and South Coast Air Quality Management District [CA207-0252; FRL-7380-8] received October 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9497. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California

State Implementation Plan, South Coast Air Quality Management District [CA187-0365a; FRL-7385-3] received October 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9498. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Land Disposal Restrictions: National Treatment Variance to Designate New Treatment Subcategories for Radioactively Contaminated Cadmium-, Mercury-, and Silver-Containing Batteries [FRL-7390-7] (RIN: 2050-AE99) received October 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9499. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Bay Area Air Quality Management District [CA272-0369a; FRL-7387-1] received October 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9500. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting the Department of the Army's proposed lease of defense articles to the Government of Norway (Transmittal No. 15-02), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

9501. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the revised annual report concerning defense articles and services that were licensed for export under section 38 of the Arms Export Control Act during Fiscal Year 2001; to the Committee on International Relations.

9502. A letter from the Chairman, Federal Communications Commission, transmitting the Commission's revised strategic plan for FY 2003 through FY 2008; to the Committee on Government Reform.

9503. A letter from the Comptroller General, General Accounting Office, transmitting information concerning GAO employees who were assigned to congressional committees as of July 22, 2002; to the Committee on Government Reform.

9504. A letter from the Director, Regulations and Forms Services Division, Department of Justice, transmitting the Department's final rule — Delegating the Secretary of Labor the Authority To Adjudicate Certain Temporary Agricultural Worker (H-2A) Petitions [INS No. 1946-98; AG Order No. 2617-2002] (RIN: 1115-AF29) received October 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

9505. A letter from the Chairperson, United States Commission on Civil Rights, transmitting a report entitled, "Ten-Year Check-Up: Have Federal Agencies Responded to Civil Rights Recommendations," pursuant to 42 U.S.C. 1975a(c); to the Committee on the Judiciary.

9506. A letter from the Attorney, Department of Transportation, transmitting the Department's final rule — Hazardous Materials Regulations: Minor Editorial Corrections and Clarifications [Docket No. RSPA-02-12524 (HM-189T)] (RIN: 2137-AD72) received October 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9507. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Guidelines Establishing Test Procedures for the Analysis of Pollutants; Measurement of Mercury in Water; Revisions to EPA Method 1631 [FRL-7390-6] (RIN: 2040-AD72) received October 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9508. A letter from the Deputy Administrator, General Services Administration, transmitting a report of Building Project Survey for the U. S. Court of Appeals in Atlanta, GA; to the Committee on Transportation and Infrastructure.

9509. A letter from the Administrator, General Services Administration, transmitting informational copies of additional lease prospectuses that support the General Services Administration's Fiscal Year 2003 Capital Investment and Leasing Program; to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HANSEN: Committee on Resources. H.R. 282. A bill to authorize the Pyramid of Remembrance Foundation to establish a memorial in the District of Columbia or its environs to soldiers who have lost their lives during peacekeeping operations, humanitarian efforts, training, terrorists attacks, or covert operations; with an amendment (Rep. 107-719). Referred to the Committee of the Whole House on the State of the Union.

Mr. OXLEY: Committee on Financial Services. H.R. 5400. A bill to authorize the President of the United States to agree to certain amendments to the Agreement between the Government of the United States of America and the Government of the United Mexican States concerning the establishment of a Border Environment Cooperation Commission and a North American Development Bank, and for other purposes; with an amendment (Rept. 107-720). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Ms. HART (for herself, Mr. NORWOOD, Mr. WAMP, and Mr. SHIMKUS):

H.R. 5542. A bill to consolidate all black lung benefit responsibility under a single official, and for other purposes; to the Committee on Education and the Workforce.

By Mr. ANDREWS:

H.R. 5543. A bill to amend title 23, United States Code, to provide incentives to States for the development of traffic safety programs to reduce crashes related to driver fatigue and sleep deprivation; to the Committee on Transportation and Infrastructure.

By Mr. BOUCHER (for himself and Mr. DOOLITTLE):

H.R. 5544. A bill to amend the Federal Trade Commission Act to provide that the advertising or sale of a mislabeled copy-protected music disc is an unfair method of competition and an unfair and deceptive act or practice, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CALVERT (for himself, Mr. LEWIS of California, Mrs. BONO, and Mr. BACA):

H.R. 5545. A bill to designate a Prisoner of War/Missing in Action National Memorial at Riverside National Cemetery in Riverside,

California; to the Committee on Veterans' Affairs.

By Mr. DUNCAN (for himself and Mr. WAMP):

H.R. 5546. A bill to authorize the construction of a replacement lock at the Chickamauga Lock and Dam, Tennessee; to the Committee on Transportation and Infrastructure.

By Mr. FRANK (for himself and Mr. LYNCH):

H.R. 5547. A bill to direct the Secretary of the Interior to conduct a special resources study regarding the suitability and feasibility of designating certain historic buildings and areas in Taunton, Massachusetts, as a unit of the National Park System, and for other purposes; to the Committee on Resources.

By Mr. HOUGHTON:

H.R. 5548. A bill to amend the Internal Revenue Code of 1986 to provide fairness in tax collection procedures; to the Committee on Ways and Means.

By Mr. HOUGHTON:

H.R. 5549. A bill to amend the Internal Revenue Code of 1986 to provide for improved administrative efficiency and confidentiality under the internal revenue laws; to the Committee on Ways and Means.

By Mr. HOUGHTON:

H.R. 5550. A bill to amend the Internal Revenue Code of 1986 to reform its penalty and interest provisions; to the Committee on Ways and Means.

By Mr. ISRAEL:

H.R. 5551. A bill to amend the Internal Revenue Code of 1986 to allow corporations to claim a charitable deduction for the donation of services related to contributions of computer technology or equipment; to the Committee on Ways and Means.

By Mr. OTTER:

H.R. 5552. A bill to provide for the conveyance of Federal land in Sandpoint, Idaho, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PORTMAN (for himself and Mr. CARDIN):

H.R. 5553. A bill to amend the Internal Revenue Code of 1986 to preserve retirement security by accelerating increases in retirement plan contribution limits and by eliminating rules that force depletion of retirement savings, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RADANOVICH:

H.R. 5554. A bill to prohibit the Administrator of the Environmental Protection Agency from issuing or renewing certain national pollutant discharge elimination system permits; to the Committee on Transportation and Infrastructure.

By Mr. BRYANT:

H. Con. Res. 498. Concurrent resolution honoring the United States Marines killed in action during World War II while participating in the 1942 raid on Makin Atoll in the Gilbert Islands and expressing the sense of Congress that a site in Arlington National Cemetery near the Space Shuttle Challenger Memorial at the corner of Memorial and Faragut Drives should be provided for the remains of those Marines; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOSTETTLER:

H. Con. Res. 499. Concurrent resolution honoring George Rogers Clark; to the Committee on Government Reform.

By Mr. CUNNINGHAM:

H. Res. 570. A resolution concerning the San Diego long-range sportfishing fleet and rights to fish the waters near the Revillagigedo Islands of Mexico; to the Committee on Resources.

By Mr. DAVIS of Illinois:

H. Res. 571. A resolution honoring the life of David O. "Doc" Cooke, the "Mayor of the Pentagon"; to the Committee on Government Reform.

By Mr. PLATTS:

H. Res. 572. A resolution honoring the 225th anniversary of the signing of the Articles of Confederation; to the Committee on Government Reform.

By Mr. WATTS of Oklahoma (for himself, Mr. ROYCE, and Mr. THORNBERRY):

H. Res. 573. A resolution providing that development assistance by the United States to foreign countries should be provided only to countries that work toward economic and political freedom to improve the living standards of all of its citizens; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. UDALL of Colorado introduced a bill (H.R. 5555) for the relief of Jesus Raul Apodaca-Madrid, Adan Apodaca-Bejarano, Maria de Jesus Madrid-Tarango, Francisco Javier Apodaca-Madrid, Alma Delia Apodaca-Madrid, Maria Isabel Apodaca-Madrid, Laura Apodaca-Madrid, and Luis Bernardo Chavez-Apodaca; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 97: Mr. MCINTYRE.

H.R. 600: Mr. FATTAH.

H.R. 690: Mr. PAYNE, Mr. PASCRELL, and Mr. JEFFERSON.

H.R. 826: Ms. HARMAN, Mr. WICKER, and Mr. JEFF MILLER of Florida.

H.R. 950: Mr. PLATTS.

H.R. 951: Mr. MCCRERY and Mr. MORAN of Kansas.

H.R. 1143: Mr. TIAHRT.

H.R. 1368: Mr. DUNCAN.

H.R. 1520: Ms. ROS-LEHTINEN and Mr. GALLEGLY.

H.R. 1555: Mr. HALL of Texas.

H.R. 1754: Mr. DUNCAN.

H.R. 1774: Mr. HOUGHTON.

H.R. 2457: Mr. WILSON of South Carolina.

H.R. 2484: Mr. CAMP.

H.R. 2573: Mr. SENSENBRENNER.

H.R. 2630: Ms. DELAURO.

H.R. 2874: Mr. MEEHAN, Mr. HINCHEY, Mr. RAHALL, and Mr. WYNN.

H.R. 3107: Mr. GOODE and Mr. VISCLOSKEY.

H.R. 3333: Mr. RILEY.

H.R. 3414: Mr. SHERMAN.

H.R. 3617: Ms. DELAURO.

H.R. 3710: Mr. RADANOVICH.

H.R. 3831: Mr. CLAY and Mr. CAMP.

H.R. 3886: Mr. HOLT, Mr. PALLONE, Mr. CROWLEY, and Mr. CAPUANO.

H.R. 3961: Mr. ROTHMAN.

H.R. 3992: Mr. UDALL of Colorado, Mr. COSTELLO, and Mr. FORD.

H.R. 4548: Mr. UDALL of Colorado, Mr. COSTELLO, Mrs. MORELLA, and Mr. FORD.

H.R. 4604: Mr. WELDON of Florida.
 H.R. 4743: Mr. KUCINICH.
 H.R. 4750: Ms. PELOSI, Mrs. DAVIS of California, Mr. LANTOS, Mr. HONDA, Ms. WOOLSEY, Ms. ESHOO, Mr. STARK, Mr. BACA, Mr. CONDIT, and Mr. GEORGE MILLER of California.
 H.R. 4763: Mr. SANDLIN, Mr. BALDACCI, and Mr. LAHOOD.
 H.R. 4843: Mr. BAIRD and Mr. SAXTON.
 H.R. 4950: Mr. KERNS and Mr. MCINNIS.
 H.R. 5013: Mr. GRAHAM and Mr. BURTON of Indiana.
 H.R. 5081: Mr. CALVERT, Mr. GIBBONS, and Mr. DOOLEY of California.
 H.R. 5085: Mr. HOLT.
 H.R. 5089: Ms. SOLIS.
 H.R. 5147: Mr. TANCREDO and Mr. TOOMEY.
 H.R. 5165: Mr. WALSH.
 H.R. 5230: Mr. CROWLEY and Mr. HINCHEY.
 H.R. 5250: Mr. MORAN of Kansas, Mr. OXLEY, and Mr. MALONEY of Connecticut.
 H.R. 5268: Mr. PHELPS, Mr. LANGEVIN, and Ms. VELAZQUEZ.
 H.R. 5293: Mr. ENGEL.
 H.R. 5310: Mr. WU.
 H.R. 5311: Mr. PHELPS, Mr. BASS, and Mrs. JO ANN DAVIS of Virginia.
 H.R. 5317: Mr. HINCHEY.
 H.R. 5334: Mr. GREEN of Wisconsin, Mr. HONDA, Ms. KAPTUR, Mr. HOLT, Mr. KELLER, Mr. FORD, Ms. BALDWIN, Mr. CONYERS, Mr. STUPAK, and Mr. MEEHAN.
 H.R. 5344: Mr. RANGEL.
 H.R. 5346: Mr. BISHOP.
 H.R. 5359: Mr. ISRAEL.

H.R. 5383: Mr. UDALL of Colorado, Mr. SCHAFER, Mr. MCHUGH, Mr. GEKAS, Mr. CLYBURN, and Mr. GORDON.
 H.R. 5411: Mr. OLVER, Mrs. CLAYTON, Mrs. THURMAN, Mr. TOWNS, Mr. SERRANO, Mr. TIERNEY, Mr. COSTELLO, Mrs. JONES of Ohio, Mr. GRAHAM, and Ms. NORTON.
 H.R. 5413: Mr. ROGERS of Michigan, Mr. HOEKSTRA, Mr. LINDER, Mr. BALLENGER, Mr. RYAN of Wisconsin, and Mrs. MYRICK.
 H.R. 5417: Mr. BLUMENAUER.
 H.R. 5446: Mr. BAKER.
 H.R. 5456: Mrs. MALONEY of New York.
 H.R. 5459: Mr. YOUNG of Alaska.
 H.R. 5463: Mr. ISTOOK and Mr. PAUL.
 H.R. 5479: Mr. ISRAEL.
 H.R. 5485: Mr. RYUN of Kansas.
 H.R. 5491: Mr. KENNEDY of Rhode Island, and Mr. UDALL of Colorado.
 H.R. 5499: Ms. WATERS and Ms. VELAZQUEZ.
 H.R. 5511: Ms. NORTON, Mr. CROWLEY, and Mr. MCNULTY.
 H.J. Res. 31: Mr. HINCHEY, Mr. OWENS, Mrs. CHRISTENSEN, Mr. PAYNE, and Mrs. JONES of Ohio.
 H. Con. Res. 462: Mr. UDALL of Colorado and Mr. STUPAK.
 H. Con. Res. 466: Mr. MORAN of Virginia and Mr. KOLBE.
 H. Con. Res. 477: Mr. MORAN of Kansas, Mr. LANGEVIN, and Mr. BALDACCI.
 H. Con. Res. 492: Mr. GILMAN, Mr. CHABOT, Mr. LANTOS, and Mr. ISSA.
 H. Res. 548: Mr. SAM JOHNSON of Texas.
 H. Res. 549: Mr. OXLEY, Mr. OSBORNE, and Mr. PLATTS.

H. Res. 560: Mr. BARCIA and Mr. HOEKSTRA.
 H. Res. 565: Mr. HOEKSTRA, Mr. UPTON, Mr. ROGERS of Michigan, Mr. KILDEE, Mr. DINGELL, Ms. KILPATRICK, Mr. CONYERS, and Mr. BONIOR.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 448: Mr. CARSON of Oklahoma.
 H.R. 3781: Mr. SMITH of Washington.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 11, by Mrs. THURMAN on House Resolution 517: George Miller, Nydia M. Velazquez, John B. Larson, Harold E. Ford, Jr., Stephen Horn, David R. Obey, William J. Coyne, and Rod R. Blagojevich.

Petition 12, by Mr. CONYERS on House Resolution 519: Eliot L. Engel, Martin T. Meehan, Carolyn B. Maloney, Steven R. Rothman, John J. LaFalce, Bill Luther, Gerald D. Kleczka, Stephen Horn, William J. Coyne, Mike Thompson, John M. Spratt, Jr., and Karen L. Thurman.



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Senate

The Senate met at 10 a.m., and was called to order by the Honorable ZELL MILLER, a Senator from the State of Georgia.

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, Rev. Cecil H. Perry, of Oak Hill, WV, a guest of Senator ROBERT BYRD.

PRAYER

The guest Chaplain offered the following prayer:

As we pause to pray, we are grateful for this wonderful privilege the Bible says in John 9:31 is only given to those that worship God and do His will. It is a time in which the almighty God, the God of Heaven and Earth, the only true living God, condescends to be here in this most precious hour before this group of American citizens exercising one of the freedoms they possess—that of assembly, seeking to bring to fruition matters that are good and best for our beloved Nation—America under God.

God, we pray that You will smile upon these Senators who chose a life of public service. Strengthen them that they can give their full measure of service in this session and all future ones, remembering that God's word is the final authority in all matters.

In the name of Jesus I pray. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ZELL MILLER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 3, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ZELL MILLER, a Senator from the State of Georgia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. MILLER thereupon assumed the chair as Acting President pro tempore.

ORDER OF PROCEDURE

Mr. REID. Senator BYRD, the President pro tempore of the Senate, is in the Chamber this morning and is going to make some comments regarding the guest Chaplain. I ask unanimous consent that Senator BYRD be recognized for whatever time he feels is appropriate. Following that, after the Chair announces morning business, the Republican time has already been set aside as the first half hour. I ask unanimous consent that Senator WELLSTONE be recognized for the second half hour and that the time of Senator BYRD precede the time for morning business and would not take any part of that half hour from either the majority or the minority.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MEASURES PLACED ON THE CAL- ENDAR—S.J. RES. 45, H.R. 3534, AND H.R. 4793

Mr. REID. There are two bills and a joint resolution at the desk, S.J. Res. 45, H.R. 3534, and H.R. 4973, having been read the first time, is that correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. REID. I ask unanimous consent that it be in order for these bills and the joint resolution to receive a second

reading en bloc, but then I would object to any further proceedings on these matters.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will read the bills and joint resolution by title.

The assistant legislative clerk read the bills and joint resolution as follows:

A joint resolution (S.J. Res. 45) to authorize the use of United States Armed Forces against Iraq.

A bill (H.R. 4793) to authorize grants through the Centers for Disease Control and Prevention for mosquito control programs to prevent mosquito-borne diseases.

A bill (H.R. 3534) to provide for the settlement of certain land claims of Cherokee, Choctaw, and Chickasaw Nations to the Arkansas Riverbed in Oklahoma.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bills and joint resolution will be placed on the calendar.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia is recognized.

WELCOME AND HAPPY BIRTHDAY TO REVEREND CECIL PERRY OF WEST VIRGINIA

Mr. BYRD. Mr. President, this morning's inspirational invocation was delivered by the Rev. Cecil Perry from Oak Hill, WV. I am pleased and proud to announce today, October 3, is the Reverend Mr. Perry's 85th birthday.

I am also pleased and proud to point out that more than 50 years ago—as a matter of fact, it was more than 60 years ago—Mr. Perry and I worked together as meat cutters in the New River Company Store near Beckley, WV. Our careers took us on different paths. Mine became a career in public service. Mr. Perry became a coal miner. That is a very honorable title, a “coal miner.” The man who raised me was a coal miner. My wife's father was a coal miner. My wife's brother-in-law

● This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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died of silicosis pneumoconiosis, which he contracted through working in the coal mines. His father was killed by a slate fall in a coal mine. So the coal miners have a great heritage of which they can be proud.

After attending the Appalachian Bible Institute, the Reverend Mr. Perry was ordained in 1957 as a Baptist minister. For the next 40 years, he preached the word of God throughout southern West Virginia.

The Senate chaplain's office, at my request, invited Mr. Perry to come to the Nation's Capital and deliver the Senate prayer for us today. I am pleased the Reverend Mr. Perry brought with him his wonderful family, including his son David Perry, who is a delegate in the West Virginia State legislature, and also his daughter Nancy James. Accompanying them are Cecil Perry's 4 grandchildren and 12 great grandchildren. I am glad the family has come to Washington and is visiting the U.S. Capitol. I trust they will return to the hills of our beloved West Virginia rewarded and informed by their visit here.

The Scriptures say: "Let the elders that rule well be counted worthy of double honor, especially they who labor in the word and doctrine"—1 Timothy 5:17.

The Reverend Mr. Perry has "ruled well." He has "labor[ed] in the word and doctrine." He is "worthy of double honor."

I am delighted, as a Senator from West Virginia, in having this good man visit the Senate today, and I thank him for helping us to begin our day with his eloquent and uplifting words which were not written but came from the heart. Happy Birthday, Mr. Perry.

Last night, I passed beside the blacksmith's door

And heard the anvil ring the vesper chime
And looking in I saw upon the floor
Old hammers, worn with beating years of time

"How many anvils have you had", said I
"To wear and batter all these hammers so?"
"Only one," the blacksmith said, with twinkling eye.

"The anvil wears the hammers out, you know."

And so, the Bible, anvil of God's Word
For centuries, skeptic blows have beat upon
And though the noise of falling blows was heard,

The anvil is unharmed—the hammers, gone.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11:30 a.m. with Senators permitted to speak therein for up to 10 minutes each.

Under the previous order, the first half of the time shall be under the con-

trol of the Republican leader or his designee.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DEPARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT

Mr. SESSIONS. Mr. President, we are considering the conference report on the Department of Justice Authorization Act. I would like to highlight a few matters in that bill that I believe are important to justice in America.

I serve on the Senate Judiciary Committee and have wrestled with a number of these issues, both as a Federal prosecutor and as a member of the committee. I think there are some good things in the bill, and I would like to make a few points that I think are important.

One thing I know the chairman is interested in and has been a leader in supporting is the Coverdell forensic science legislation, named for former Senator Coverdell of Georgia, who is now deceased. I know that Senator MILLER, the Acting President pro tempore, has been instrumental and helpful in making this bill a reality.

The reason it is important is this. Throughout our entire criminal justice system, it is my view that delay is hurting justice in America. Cases take far longer than necessary to reach a conclusion, and justice delayed is justice denied. When a criminal is caught in a significant drug case, dealing drugs or some other offense, and time goes by, month after month after month, and that person is released on bail, back in the community amongst maybe his friends and criminal element and others who are looking to see if anything is going to happen to the person who got caught burglarizing an automobile or home or selling drugs, and a year or more goes by and nothing happens—that is a problem. It undermines respect for law. It undermines the integrity of the criminal justice system. It is not right.

We had in my State recently the worst murder in the history of Alabama. No one can think of a more serious one. Six people were murdered. The individual who murdered those people had been out on bail and was out on bail at that time because the chemical analysis on the drugs he had sold had not yet come back from the State laboratory.

As a professional prosecutor for most of my life, nearly 15 years, I would say to you that on a regular basis in courts all over America, a delay in getting fingerprints, ballistics, drug analysis, and DNA is slowing down justice. It is

allowing criminals to stay free. It is allowing people to remain under a cloud who might be found innocent when an analysis comes back. It is not a good situation. We need to highlight that, and the Coverdell bill provides States support for State laboratories to encourage them to get caught up and stay where they ought to be.

In my view, if it takes no more than a few hours to do a laboratory analysis on a powder to find out if it is cocaine, why can't we get it back in a matter of days? I think our goal in America should not be weeks, it should not be months, but it should be days when these reports come back. It does not take more time, and it does not really cost more money to have a chemical analysis done today rather than waiting 6 months to do that chemical analysis. So I would just say that is important.

I am glad we strengthened that bill with some amendments in this language. There are appropriations of some \$35 million in the appropriations bill that will go along with this. We are moving in the right direction.

In my view, the single greatest bottleneck in the criminal justice system today is the forensic capability. We are far too far behind on that. When you consider all the people we are hiring in police, law enforcement, judges, jails, sheriffs, deputies and all those, the very few we have on forensic work that is slowing down all of their work is a weakness in the system that I think ought to be fixed.

This bill does something else that I think is important. The Boys and Girls Clubs in America are proven to be some of the finest agencies anywhere for the delivery of services, hope, and encouragement to young people in poor areas of our country. They have done tremendous work. I have visited centers in Huntsville, Mobile, and other places. I have talked with their leadership and studied their programs. It is a tremendous program.

We are providing, through this bill, greater help to them. They are managing personnel and managing the money that they get efficiently, to get the greatest possible benefit for young people in communities all across America. I am glad we are doing that.

The bill provides for additional monies for drug courts. The first drug court began in Miami. Judge Goldstein and a couple of other judges developed a concept where many people involved with the criminal justice system, both with drug charges and other criminal charges could get help with the root of the problem, their serious drug habits. They believed that if those individuals were carefully monitored under the supervision of a judge who could order them to jail if they did not cooperate, improved behavior could occur, the drug use could be prevented or reduced, treatment could be carried out effectively, and our crime rates would go down.

The numbers seem to bear that out. In fact, they cited exceedingly positive

numbers in the early 1980s. I was a prosecutor as U.S. attorney in Mobile, AL. I remember participating in bringing Judge Goldstein up to our community to talk about it. As a result of his presentation, our community established a drug court which has been led most ably for many years by Judge Mike McMaken, a State judge there in Mobile County. I believe it works.

I also think we have not fully studied drug courts to understand how they work and how they can be made to work better, what are the most effective parts of the drug court process, and what should we emphasize and what should we deemphasize. I had hearings on this very subject when I chaired the courts subcommittee of the Judiciary Committee early last year.

This bill does require that the General Accounting Office conduct a very rigorous, scientific study of the drug courts to find out what works and what doesn't and to see if we can't do a better job of intervening in lives going bad.

The way it works is simply this: An individual is arrested for a minor crime. Usually, it is the first offense. It could be drugs, or it could be another crime. Hopefully, when they are arrested, they are tested for drugs in that system because that is an important thing, in my view. You need to know what is driving that criminal behavior. Every defendant in America arrested for any offense should be immediately drug tested, in my view. A lot of them have a history of drug problems. Immediate testing would let us know that this individual, arrested for whatever crime, if it is their first offense, has a drug problem.

The way the drug court works is that the judge says they will not send them to jail, and in some cases even allow them to have their conviction set aside only if, over a period of months, they conduct themselves under the most rigorous scrutiny in a way that eliminates drug use or criminal activity.

The defendant would voluntarily sign up for the drug court procedure. They are drug tested on a weekly basis—maybe three times a week at first. They report regularly to the probation officer. And on a weekly basis they report personally to the judge. If they come in drug positive, he may put them in jail for the weekend. If he believes it is hopeless and that they are not going to succeed in the program, he will send them to jail and kick them out of the drug court program. But we believe there is some success being found with this program.

It is spreading all over America. More and more cities are doing it. When you have a tough judge, a good probation officer, and intense drug testing with the availability of drug treatment, it is quite often possible that lives can be turned around as a result of this intervention. It is a tough love type of program which does have the possibility of being successful.

I am glad we are expanding that. I support that. I have been at the very

beginning of this kind of program. But I don't think we know enough about it yet and what the key parts of it are, or what the program should contain or maybe what should not be a part of any drug court program. So the study should help us in that regard.

We have a lot of challenges in America in our Federal court system. Federal judges are needed in certain districts. Our population has grown. Certain types of criminal activities have grown. We, obviously, at various points in time, have districts with surging caseloads that need relief in terms of the number of Federal judges we have.

I am not one who believes we ought to just exponentially expand the Federal court system. I propose that we take one-half of what the Administrative Office of Courts requested—50-some-odd Federal judges—and that we approve 24 Federal judges based on a strict caseload basis in the districts where judgeships are most needed, and where those cases are based on a weighing of caseload factors—not just on cases but weighted for how big and how difficult the cases are.

We know, for example, that southern California has not had any relief for some time. It has been seeing a surge in caseload based on such things as immigration as well as other crimes that go into Federal court. They are larger numbers when you are on a border like that. This will provide 20 new judges—a number of them temporary. But the net result will be assistance to some critical districts in America, such as the western district of Texas, or the southern district of California. I think we are moving in the right direction there.

I am also pleased that a bill that Senator DIANNE FEINSTEIN and I offered—the James Guelff and Chris McCurley Body Armor Act—was made a part of this legislation. This bill dealt with the situation in which violent criminals today are oftentimes better armed and better protected than the police. It is estimated that 25 percent of police do not have body armor available to them. But criminals can go out and buy body armor. It is a crime, for example, for a criminal to have weapons. A felon who possesses a gun is in violation of Federal and most State legal systems. But, it is not today a crime for a felon to be wearing body armor, or to wear body armor during the course of a crime.

James Guelff was murdered as a result of a confrontation with an individual wearing body armor. Chris McCurley, a deputy sheriff in Alabama, was out to arrest a criminal. He entered the residence of that defendant and was killed in a shootout. It was discovered that the defendant—the criminal—premeditatedly and calculatedly waited for him while wearing body armor, prepared himself for a shootout, and killed him on that scene.

This bill is named for James Guelff and Chris McCurley. It would add in-

tense punishment to criminals who use body armor in the course of their criminal activity.

It has the support of the Fraternal Order of Police, the National Association of Police Organizations, the Federal Law Enforcement Officers Association, and many other national police groups.

I think, all in all, there are good things in this legislation. I wish we could have done more. I support it, and look forward to voting favorably on it.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky is recognized.

CONFIRMING CIRCUIT COURT JUDGES

Mr. McCONNELL. Mr. President, we have heard lately a lot of self-congratulation by our Democratic friends on the Judiciary Committee about confirming judges. However, my friends' self-congratulation is arrived at not by comparing apples and apples but by cherry-picking the period of time that will be most advantageous to them.

It is beyond a doubt, with respect to circuit court nominees in particular, that President Bush is being treated far worse—dramatically worse—than any President in recent history in his first term. In both absolute and relative terms, no President of the United States has been treated as badly as President Bush in their first Congress.

Let us take a look at the last four Presidents and their record with regard to circuit court nominations during the first 2 years of their Presidency.

During the Reagan years, 1981–1982—President Reagan submitted 20 nominations for the circuit court, and 19 of them were confirmed—95 percent. President Reagan, of course, had a Republican Senate during those 2 years.

President George Bush in his first 2 years, when his party did not control the Senate, in a session comparable to the one we are in now, submitted 23 circuit court nominations, and 22 of them were confirmed—96-percent confirmation during the first President Bush's term when his party did not control the Senate, and exactly the situation we find ourselves in today.

With regard to President Clinton in his first 2 years, a period during which his party did control the Senate, he submitted 22 circuit court nominations, and 19 were confirmed. That is an 86-percent confirmation rate.

It is noteworthy, even when his own party controlled the Senate, President Clinton's percentage of confirmations was slightly less than President George H. W. Bush when his party did not control the Senate during the first 2 years, but still a hefty percentage, 86 percent.

Then we look at the first 2 years of the presidency of George W. Bush, which is now coming to a conclusion. We are near the end now where the statistics actually mean something.

President George W. Bush has submitted 32 circuit court nominations to

the Senate, and only 14 have been confirmed, which is 44 percent. Forty-four percent. This is the worst record in anybody's memory of confirming circuit court nominations of a President in his first 2 years.

When you look at comparable situations, as I have just indicated, the first President Bush, confronted with a Democratic Senate—just like the current President Bush—got 96 percent of his circuit court judges confirmed. This President Bush, with a Democratic Senate, has only gotten 44 percent of his circuit court judges confirmed—dramatically worse.

Now, let me say, our friends on the other side are trumpeting how well they are doing on judicial nominations and do not want us to look behind the curtain of their statistics that have been put out.

In relative terms, President Bush has only half as many of his circuit court nominations confirmed as President Clinton did—44 percent as opposed to 86 percent. In absolute terms, President Bush has five fewer circuit court nominees confirmed than President Clinton did.

It is impossible at this stage for the Senate to catch up, to treat President Bush as fairly as it treated his predecessors, including President Clinton. So there is no chance this statistic can be dramatically improved this late in the game. But there is still time to improve upon this sorry record and at least have the Senate look as though it tried to treat President Bush with some elementary basic fairness.

For example, John Rogers, who happens to be from my State of Kentucky, a nominee to the U.S. Sixth Circuit Court of Appeals, which until August was 50 percent vacant—it has been 50 percent vacant not because there were not nominations made by the President, but because we have not approved them. We finally approved one from Tennessee right before the August recess—John Rogers has been languishing in the Senate for 285 days.

This was not even one of those controversial nominations. He cleared the Judiciary Committee unanimously, and he has been stuck on the executive calendar for 3 months. The sixth circuit, which is supposed to have 16 judges, currently has 9. But one of those nine was only confirmed last July, right at the end before the August recess. So it is still almost 50 percent vacant, not because the President has not sent up nominations, but because we simply will not act on them. It is hard to understand what the problem is.

The ABA unanimously rated Professor Rogers—the person I was just mentioning—as “qualified,” and his services are in dire need. The sixth circuit is in the worst shape of any circuit and is almost half vacant, as I just said.

Shifting to the fourth circuit, Dennis Shedd, a nominee in the fourth circuit, has been before the Senate for over 500

days; in fact, to be specific, 511 days. The ABA rated him “well-qualified.” That is the highest rating one can get, and it is about as common as teeth on a chicken—not very common.

Our friends on the other side used to call the ABA the “Gold Standard”—the “Gold Standard.” Judge Shedd was in President Bush's first batch of nominees. Until this Congress, it was Senate precedent for all nominees in a President's first submission to be confirmed, the first batch. Until this year, they were all confirmed, and to be confirmed within a year of those submissions.

Unfortunately, Judge Shedd, like many of his colleagues, not only will not meet the 1-year rule, he is in jeopardy of not getting confirmed at all.

Michael McConnell—no relation, but an outstanding nominee by the President to the tenth circuit—has also been pending for over 500 days; in fact, the 511 days that Judge Shedd has been pending. The ABA has rated Professor McConnell—now listen to this—unanimously “well-qualified”—unanimously “well-qualified.”

Like Judge Shedd, Professor McConnell was in the President's very first submission, yet, he, too, is in danger of not getting confirmed at all.

Miguel Estrada, a nominee to the D.C. Circuit, is yet another nominee who has been pending for 511 days. Like Professor McConnell, Mr. Estrada received one of those extremely rare, unanimously “well-qualified” ratings from the ABA. This is really hard to get. That means nobody on the ABA committee found the nominee anything other than “well-qualified,” the highest rating the ABA can give a nominee.

Like Judge Shedd and Professor McConnell, Mr. Estrada is one of those superlative nominees whom the President sent up in May of 2001. Now he will not beat the 1-year rule, and he may not get confirmed at all.

Even if all four of these nominees I just referred to were confirmed, the Senate would still not be treating President Bush as well as his predecessors, either in absolute or in relative terms.

As shown on the chart, even if all four of these nominees were confirmed, President Bush would only have 18 circuit court nominees confirmed. President Clinton got 19 confirmed. That would still only be 56 percent versus 83 percent.

Further, President Clinton got his nominees to the Senate much later in the first Congress than President Bush did, and President Clinton sent up a lot fewer. He nominated fewer people. He sent up fewer circuit court nominees than President Bush did. There were 22 Clinton circuit court nominees sent up versus 32 Bush nominees. So there were a larger number of nominations made by President Bush. That means the Senate has had more time, since President Bush sent them up sooner. The Senate has had more time, has had

more options, but has done less. More time, more options, and done less—far less, far less—for President Bush than the Senate did for President Clinton.

You would think we would be trying to redouble our efforts to solve this sad situation, but it seems we are determined to squander what few opportunities we have left.

We had a markup originally scheduled for this morning in the Judiciary Committee, in which we could have gotten Judge Shedd, Professor McConnell, and Mr. Estrada to the floor of the Senate, but, inexplicably, the committee session was cancelled. We will not have a hearing until next week, if then. If the markup is delayed any more, we will delay it right out of this Congress.

A lot of us are very upset about this situation. I know there has been some discussion of legislative remedies. I know the conference report to the DOJ reauthorization, for example, is popular among some of my Republican colleagues. But it only takes one Senator—one person—to file a point of order to it, and that point would probably succeed.

If we see a good-faith effort by our Democratic colleagues, I am hopeful we can avert a legislative crisis on the DOJ authorization conference report. But it depends on having some level of cooperation.

Even if we were to confirm these four fine nominees, President Bush still would have been treated dramatically worse—dramatically worse—than any of the Presidents in recent time.

I think it is good not to be distracted by this sort of Enron-style accounting, where folks cobble together a few months from here and there to manipulate statistics with regard to what our sorry record is with regard to judicial confirmations. Facts are stubborn things. The bottom line is, President Bush is being treated far worse than his predecessors on circuit court nominees.

So let's just look at it one more time.

President Reagan, who had benefited from having a Senate of his own party: 95 percent of his circuit court nominees confirmed in the first 2 years of his term.

The first President Bush, not benefiting from Senate control by his own party—a situation directly analogous to the one we have today—got 96 percent of his circuit court nominees confirmed in the first 2 years.

President Clinton, benefiting from having a Senate controlled by his party, had 86 percent of his circuit court nominees confirmed in the first 2 years. The second President Bush, in a situation analogous to his father, who got 96 percent during the first 2 years, has to date only 44 percent. And even if we process the four nominees that could be handled—Professor Rogers who has been on the calendar for 3 months, and Professor McConnell, Judge Shedd, and Miguel Estrada—he

would still have a pretty sorry record. But we could improve somewhat this dismal performance on the current President's nominations for circuit court.

I hope we will have some action at the end of the session on at least one of the four nominees who could be acted upon by the full Senate. It is not too late to at least partially fix and improve a very sad situation.

I yield the floor.

The PRESIDING OFFICER (Ms. STABENOW). The Senator from Minnesota.

Mr. WELLSTONE. Madam President, I want to give the rest of what time we have left to the Senator from Oregon, Mr. WYDEN.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ

Mr. WELLSTONE. Madam President, I rise to address our policy in Iraq. The situation remains fluid. Administration officials are engaged in negotiations at the United Nations over what approach we ought to take with our allies to disarm the brutal and dictatorial Iraqi regime.

The debate we will have in the Senate today and in the days to follow is critical because the administration seeks our authorization now for military action, including possibly unprecedented, preemptive, go-it-alone military action in Iraq, even as it seeks to garner support from our allies on a new U.N. disarmament resolution.

Let me be clear: Saddam Hussein is a brutal, ruthless dictator who has repressed his own people, attacked his neighbors, and he remains an international outlaw. The world would be a much better place if he were gone and the regime in Iraq were changed. That is why the United States should unite the world against Saddam and not allow him to unite forces against us.

A go-it-alone approach, allowing a ground invasion of Iraq without the support of other countries, could give Saddam exactly that chance. A preemptive, go-it-alone strategy toward Iraq is wrong. I oppose it. I support ridding Iraq of weapons of mass destruction through unfettered U.N. inspections which would begin as soon as possible. Only a broad coalition of nations, united to disarm Saddam, while preserving our war on terror, is likely to succeed.

Our primary focus now must be on Iraq's verifiable disarmament of weapons of mass destruction. This will help maintain international support and could even eventually result in Saddam's loss of power. Of course, I would welcome this, along with most of our allies.

The President has helped to direct intense new multilateral pressure on Saddam Hussein to allow U.N. and International Atomic Energy Agency weapons inspectors back in Iraq to conduct their assessment of Iraq's chem-

ical, biological, and nuclear programs. He clearly has felt that heat. It suggests what can be accomplished through collective action.

I am not naive about this process. Much work lies ahead. But we cannot dismiss out of hand Saddam's late and reluctant commitment to comply with U.N. disarmament arrangements or the agreement struck Tuesday to begin to implement them. We should use the gathering international resolve to collectively confront this regime by building on these efforts.

This debate must include all Americans because our decisions finally must have the informed consent of the American people who will be asked to bear the cost, in blood and treasure, of our decisions.

When the lives of sons and daughters of average Americans could be risked and lost, their voices must be heard in the Congress before we make decisions about military action. Right now, despite a desire to support our President, I believe many Americans still have profound questions about the wisdom of relying too heavily on a preemptive go-it-alone military approach. Acting now on our own might be a sign of our power. Acting sensibly and in a measured way, in concert with our allies, with bipartisan congressional support, would be a sign of our strength.

It would also be a sign of the wisdom of our Founders who lodged in the President the power to command U.S. Armed Forces, and in Congress the power to make war, ensuring a balance of powers between coequal branches of Government. Our Constitution lodges the power to weigh the causes of war and the ability to declare war in Congress precisely to ensure that the American people and those who represent them will be consulted before military action is taken.

The Senate has a grave duty to insist on a full debate that examines for all Americans the full range of options before us and weighs those options, together with their risks and costs. Such a debate should be energized by the real spirit of September 11, a debate which places a priority not on unanimity but on the unity of a people determined to forcefully confront and defeat terrorism and to defend our values.

I have supported internationally sanctioned coalition military action in Bosnia, in Kosovo, in Serbia, and in Afghanistan. Even so, in recent weeks, I and others—including major Republican policymakers, such as former Bush National Security Adviser Brent Scowcroft; former Bush Secretary of State James Baker; my colleague on the Senate Foreign Relations Committee, Senator CHUCK HAGEL; Bush Mid-East envoy General Anthony Zinni; and other leading U.S. military leaders—have raised serious questions about the approach the administration is taking on Iraq.

There have been questions raised about the nature and urgency of Iraq's

threat and our response to that threat: What is the best course of action that the United States could take to address this threat? What are the economic, political, and national security consequences of a possible U.S. or allied invasion of Iraq? There have been questions raised about the consequences of our actions abroad, including its effect on the continuing war on terrorism, our ongoing efforts to stabilize and rebuild Afghanistan, and efforts to calm the intensifying Middle East crisis, especially the Israeli-Palestinian conflict.

There have been questions raised about the consequences of our actions here at home. Of gravest concern, obviously, are the questions raised about the possible loss of life that could result from our actions. The United States could post tens of thousands of troops in Iraq and, in so doing, risk countless lives of soldiers and innocent Iraqis.

There are other questions about the impact of an attack in relation to our economy. The United States could face soaring oil prices and could spend billions both on a war and a years-long effort to stabilize Iraq after an invasion.

The resolution that will be before the Senate explicitly authorizes a go-it-alone approach. I believe an international approach is essential. In my view, our policy should have four key elements.

First and foremost, the United States must work with our allies to deal with Iraq. We should not go it alone, or virtually alone, with a preemptive ground invasion. Most critically, acting alone could jeopardize our top national priority, the continuing war on terror. I believe it would be a mistake to vote for a resolution that authorizes a preemptive ground invasion. The intense cooperation of other nations in relation to matters that deal with intelligence sharing, security, political and economic cooperation, law enforcement, and financial surveillance, and other areas is crucial to this fight, and this is what is critical for our country to be able to wage its war effectively with our allies. Over the past year, this cooperation has been the most successful weapon against terrorist networks. That—not attacking Iraq—should be the main focus of our efforts in the war on terror.

As I think about what a go-it-alone strategy would mean in terms of the consequences in South Asia and the Near East and the need for our country to have access on the ground, and cooperation of the community, and get intelligence in the war against al-Qaida and in this war against terrorism, I believe a go-it-alone approach could undercut that effort. That is why I believe our effort should be international.

We have succeeded in destroying some al-Qaida forces, but many operatives have scattered. Their will to kill Americans is still strong. The United States has relied heavily on alliances with nearly 100 countries in a

coalition against terror for critical intelligence to protect Americans from possible future attacks. Acting with the support of allies, including, hopefully, Arab and Muslim allies, would limit possible damage to that coalition and our antiterrorism effort. But as General Wes Clark, former Supreme Commander of Allied Forces in Europe, has recently noted, a premature, go-it-alone invasion of Iraq "would supercharge recruiting for al-Qaida."

Second, our efforts should have a goal of disarming Saddam Hussein of all his weapons of mass destruction. Iraq agreed to destroy its weapons of mass destruction at the end of the Persian Gulf War and to verification by the U.N. and the International Atomic Energy Agency that this had been done. According to the U.N. and the IAEA, and undisputed by the administration, inspections during the 1990s neutralized a substantial portion of Iraq's weapons of mass destruction, and getting inspectors back to finish the job is critical. We know he did not cooperate with all of the inspection regime.

We know what needs to be done. But the fact is we had that regime, and it is important now to call on the Security Council of the U.N. to insist that those inspectors be on the ground. The goal is disarmament, unfettered access. It is an international effort, and with that Saddam Hussein must comply. Otherwise, there will be consequences, including appropriate use of force. The prompt resumption of inspections and disarmament, under an expedited timetable and with unfettered access in Iraq, is imperative.

Third, weapons inspections should be enforceable. If efforts by the U.N. weapons inspectors are tried and fail, a range of potential U.N. sanctions means, including proportionate military force, should be considered. I have no doubt that this Congress would act swiftly to authorize force in such circumstances. This does not mean giving the United Nations a veto over U.S. actions. Nobody wants to do that. It simply means, as Chairman LEVIN has observed, that Saddam Hussein is a world problem and should be addressed in the world arena.

Finally, our approach toward Iraq must be consistent with international law and the framework of collective security developed over the last 50 years or more. It should be sanctioned by the Security Council under the U.N. charter, to which we are a party and by which we are legally bound. Only a broad coalition of nations, united to disarm Saddam Hussein, while preserving our war on terror, can succeed.

Our response will be far more effective if Saddam Hussein sees the whole world arrayed against him. We should act forcefully, resolutely, sensibly, with our allies—and not alone—to disarm Saddam Hussein. Authorizing the preemptive go-alone use of force right now, which is what the resolution before us calls for, in the midst of con-

tinuing efforts to enlist the world community to back a tough, new disarmament resolution on Iraq, could be a very costly mistake for our country.

Madam President, quite often at the end of debates on amendments, we thank our staffs for the work they have done and appreciate their hard work. At the end of my statement today on the floor of the Senate as to why I am opposed to the resolution before us that we will be debating today and in the days to come, which is too open-ended and would provide the President with authority for preemptive military action, including a ground invasion in Iraq, I would like to thank my staff. I would like to thank my staff for never trying one time to influence me to make any other decision than what I honestly and truthfully believe is right for the State I represent, Minnesota, for my country, and for the world in which my children and my grandchildren live. To all of my staff, I thank you for believing in me.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

ECONOMIC RECOVERY

Mr. WYDEN. Madam President, thousands of working families in Oregon feel as if they have been hit by an economic wrecking ball. From Ontario to Portland, OR workers have been laid off their jobs, left to fend for themselves, while their medical and energy bills skyrocket, and they have been left out of what Larry Lindsey and the administration's economic team keep calling an economic recovery.

Oregonians are hungry for leadership on the economic issue. We are trying to do our part at home down the road at the election. All of Oregon's elected officials are going to be working with the private sector on a new economic game plan. I think starting in January, with the ISTEA legislation, we will have an opportunity to make some important investments. But Oregonians expect economic leadership from Washington, DC, now. That is what they want today.

I am anxious to work with the administration on these issues, but there has just not been the leadership forthcoming. For example, on the trade issue, I cast a vote—unpopular with many with whom I am close—to give the President the authority to negotiate trade agreements. Trade involves one out of seven jobs in Oregon. The trade jobs pay better than the nontrade jobs. So I want to meet the administration halfway.

Unfortunately, the administration and its economic team is not willing to move forward and, in fact, is moving backward on a host of issues. I want to outline several of those this morning, Madam President.

It is very obvious we need a transfusion—immediate transfusion—that can restore our economic health. There is nothing that could bring our econ-

omy back faster than getting increased transportation funds for the States. One State after another has shown that money for transportation projects, particularly repaving and other maintenance items, gets money into our economy and creates family wage employment for our workers faster than any other area.

A number of Senators, Democrats and Republicans, understand this. Unfortunately, the administration's economic team does not agree. They continue to propose significantly less money than is needed for our economic and transportation needs and push for it.

While the transportation officials of my State calculate that the administration's approach will mean tens of millions of dollars less funding for Oregon's struggling economy and hundreds of fewer family wage construction jobs that could put our citizens back to work, the administration persists in taking an approach that I think is a huge mistake for our country, particularly our economic needs.

On the health issue, something the Chair knows much about, we can find common ground, for example, on a measure that could significantly lower health costs, a bipartisan approach involving making wider use of generic drugs, the same drug as essentially the brand name in the majority of instances.

Senators of both political parties want to support this issue. There is support on the Democratic side and the Republican side. The administration will not support something that could have immediate benefit—immediate benefit—for the economic crunch that our citizens face and would have bipartisan support in the Senate.

Finally, it seems on issues such as unemployment compensation, we have Senators, again, who would like to move forward to provide what I call this transfusion of assistance to the people who are so hard hit. Thousands of laid-off workers are exhausting their temporary extension of benefits every week. The program expires on December 31 of this year. Anyone laid off before June 30 of this year is going to lose all their benefits come December 31, and anyone who lost a job after June 30 will not have any Federal extension in place when their State benefits expire.

For my home State with soaring unemployment, this means that nearly 30,000 laid-off workers currently getting a temporary extension of unemployment compensation would see the end of their benefits at the end of the year, according to the Department of Labor.

Again, it seems to me this is an issue where Democrats and Republicans could, as has happened so often, come together and provide some solace, some actual relief to these families who are hurting in our country. I will be talking more about this issue in the days ahead while working on a significant

health reform proposal that I have been discussing with colleagues.

I come back in closing to the central reason I have come to the Chamber, and that is that in my State and in much of the country, our families are hurting and our economy is hemorrhaging. I have listed three issues where, if there was some leadership from the administration—transportation, lowering medical costs immediately, particularly on the prescription side, which has the support of Senators of both parties, the expanded access to generic drugs, and finally unemployment compensation—three steps where, with a little bit of leadership from the administration on these vital economic issues, we could take steps now that would help working families.

Let's not go the wrong way. Let's find an opportunity for Democrats and Republicans to work on key issues and go the right way, which means providing economic relief to our working families.

I know the Senator from Georgia has been waiting very patiently. I yield the floor, Madam President.

The PRESIDING OFFICER. The Senator from Georgia.

IRAQ RESOLUTION

Mr. MILLER. Madam President, I have signed on as an original cosponsor of the Iraq resolution that our President has proposed, and I would like to tell you a story that I believe explains why I think that is the right path to take.

A few weeks ago, we were doing some work on my back porch back home, tearing out a section of old stacked rocks, when all of a sudden I uncovered a nest of copperhead snakes. I am not one to get alarmed at snakes. I know they perform some valuable functions, like eating rats.

When I was a young lad, I kept snakes as pets. I had an indigo snake. I had a bull snake. I had a beautiful colored corn snake, and many others. I must have had a dozen king snakes at one time or another. They make great pets, and you only have to give them a little mouse every 30 days.

I read all the books by Raymond C. Ditmars, who was before most herpetologists of the day—that is a person who is an expert on snakes—and for a while I wanted to be a herpetologist, but the pull of being a big league shortstop out ran that childhood dream.

I reminisce this way to explain that snakes do not scare me like they do most people, and I guess the reason is that I know the difference between those snakes that are harmless and those that can kill you. In fact, I bet I may be the only Senator in this body who can look at the last 3 inches of a snake's tail and tell you whether it is poisonous. I can also tell the sex of a snake, but that is another story.

A copperhead snake will kill you. It could kill one of my dogs. It could kill

one of my grandchildren. It could kill any one of my four great-grandchildren. They play all the time where I found those killers.

You know, when I discovered those copperheads, I did not call my wife Shirley for advice, as I usually do on most things. I did not go before the city council. I did not yell for help from my neighbors. I just took a hoe and knocked them in the head and killed them, dead as a doorknob.

I guess you could call it unilateral action, a preemptive strike. Perhaps if you had been watching me, you could have even said it was bellicose and reactive. I took their poisonous heads off because they were a threat to me, they were a threat to my home, they were a threat to my family, and all I hold dear. And isn't that what this is all about?

I yield the floor and suggest the absence of a quorum, Madam President.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECEPTION FOR LANCE ARMSTRONG

Mr. REID. Madam President, Lance Armstrong is a man who has caught the attention of the entire American public and the world because of his athletic prowess, but more importantly than that because of his fighting back from devastating cancer. He is, of course, the greatest cyclist in the world today, and maybe of all time. This all occurred after he had a very severe bout of cancer. He is going to be in the Capitol building today.

A reception is going to be held for him in the Dirksen Building starting at 11:30. He is going to make some remarks around 12:00. Senators interested in meeting one of the greatest athletes of all time, or any staff within the sound of my voice, are welcome to come to 192 Dirksen to see the great Lance Armstrong.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF UNEMPLOYMENT COMPENSATION BENEFITS

Mr. REID. Madam President, there is pending legislation we certainly would like to move. We have tried very hard to get some help in this regard. This legislation gives the same number of weeks of benefits for unemployment

compensation as was given under President Bush, Sr., in the early 1990s. Only Oregon and Washington, the States with the highest unemployment in the Nation, will get a little bit more, and that is because of an extension of Congress passed in March. The March bill provided up to 65 weeks of benefits for those two States. Our bill only provides up to 7 more.

This is extremely important. We have people out of work. That might not sound like much to somebody who has a job, but to someone who does not have a job, it is everything. We have 2 million more Americans unemployed than we had 18 months ago. We have economic problems that have been kind of covered up. We have a situation where there is \$4.5 trillion lost in the stock market. If someone was going to retire with their 401(k) or their IRA, they would have to work up to 5 years more, having lost 30 to 35 percent of the value of their retirement.

I have people I welcome to Washington every Thursday. They came to me today saying they do not know what they will do because they lost so much of the value of what they will retire on. They do not know what they will do.

We need to extend unemployment compensation. We did it before under President Bush senior. There was an emergency then. We did it on more than one occasion. We only want to do it now on one occasion.

As I indicated, the bill will provide an additional 20 weeks of extended benefits for high unemployment States and an additional 13 weeks to all other States for workers who run out or about to run out of benefits.

UNANIMOUS CONSENT REQUEST— S. 3009

Mr. REID. I ask unanimous consent the Senate proceed to the consideration of Calendar No. 619, S. 3009, a bill to provide for a 13-week extension of unemployment compensation; that the bill be read three times, passed, the motion to reconsider be laid upon the table, and there be no intervening action or debate.

Mr. GRASSLEY. Madam President, reserving the right to object, and I will object for the leadership, as a ranking Republican on the committee that has jurisdiction over unemployment compensation for our side, there is not unanimous view that something should be done in this area. The most important thing is, for now, we object.

We would think in terms of looking at the economy and not only ways to support people who are in need at a time when the economy might be in problems down the road, but also to consider as part of a package things that would help the economy grow and create jobs.

It is essential we think in terms of expanding the economy when we put together packages that are needed for economic relief and not just to help

those who are unemployed. We look forward to working with the other side of the aisle in seeing what could we come up with in terms of a package that will help people in need but also help to grow the economy.

Since that is not part of this package, I object.

The PRESIDING OFFICER. The objection is heard.

TRIBUTE TO U.S. SENATOR JESSE HELMS

Mr. INOUE. I wish to take a moment to express my appreciation and admiration for my good friend from North Carolina, Senator JESSE HELMS.

I have had the privilege of working with Senator HELMS for the past 30 years. Although he and I do not share the same ideologies, Senator HELMS has always kept his word to me. In this day and age, "trustworthiness" is a trait that is becoming increasingly rare, particularly in the political arena. Yet Senator HELMS has remained true to himself and his upbringing. Senator HELMS is trustworthy.

Senator HELMS is a true statesman and gentleman, courteous, courageous, and compassionate. He is a man who understands what it means to do one's duty to God, country, and family. He emulates the idea upon which America was founded, the idea that each individual controls his or her destiny and has a right to pursue and achieve their dreams, and that great societies are built by people who are inspired and motivated to reach high and work hard.

Senator HELMS has, on many occasions, inspired and motivated me. He has set an example for me and my colleagues. His life is a model of one who honors and defends the Constitution, works to make our country a better place, and conducts himself with dignity and respect for others.

I thank my dear friend for the many courtesies he has extended to me throughout the years. I will miss his kindness and friendship. To Senator HELMS and his wife, Dot, I wish them many years of happiness and continued good health in the bright years ahead.

Mr. SARBANES. Mr. President, I rise today to join my colleagues in honoring JESSE HELMS, the senior Senator from North Carolina, for his many years of service to his State and to the Nation.

While Senator HELMS has served in the United States Senate for more than a quarter-century, his earlier years were equally active and productive. Following his service in the U.S. Navy during World War II, he became the city editor of the Raleigh Times. He served as Administrative Assistant to two U.S. Senators before becoming Executive Director of the North Carolina Bank Association in 1953. The Tarheel Banker became the largest State banking publication in the State while JESSE HELMS was its editor. He was Ex-

ecutive Vice President, Vice Chairman of the Board, and Assistant Chief Executive Officer of Capitol Broadcasting Company in Raleigh, NC from 1960 until his election to the Senate in 1972.

During his service in the U.S. Senate, Senator HELMS has served as a member of the Senate Committee on Rules and Administration, the Committee on Agriculture, Nutrition, and Forestry which he chaired in the 1980s, and the Foreign Relations Committee, of which he was a former chairman and the current ranking member. In 1973, he became the first Republican, as well as the first Senator from North Carolina, to receive the Golden Gavel, an award presented for presiding over the Senate for more than 117 hours. Senator HELMS was awarded a second Golden Gavel for presiding for more than 120 hours in 1974.

It goes without saying that JESSE HELMS has become a fixture and a legend in this body. While Senator HELMS and I have often differed over the years in our approaches and our positions to the many important issues that have come before the Senate for consideration, Senator HELMS has always been a force to be reckoned with. His public service has been marked by hard work and diligence. I am pleased to have had the opportunity to serve with Senator HELMS over these many years and want to join my colleagues in paying tribute to him today.

Mr. ALLARD. Mr. President, over the course of the day, we have heard from my colleagues many of Senator JESSE HELMS' remarkable accomplishments over the course of his life. He is a husband, a father, a Senator, a Navy veteran, a defender of freedom, and a good friend. But above all, JESSE HELMS is a man of God.

I should also add that he is a man of the people. Senator HELMS has seen more Senators, staffers, and pages in his tenure than most Members, and he treated all of them like they were from his own family. He is constantly noted for his friendly demeanor to those strangers who meet JESSE for the first time, but go away from their meetings feeling like a personal relationship has just formed. Senator HELMS has always been willing to take those precious extra few minutes when meeting someone to make personal connections that endure him to many.

Rarely do people keep their convictions as strong as JESSE HELMS, especially facing the type of scrutiny that politicians do in the spotlight. Throughout his 30 years in the Senate, Senator HELMS has fought hard for the commonsense values that he brought with him from the great State of North Carolina. He has stood for the vision that our Founding Fathers imagined when they framed the Constitution. I cannot help but think that North Carolina and indeed our country is indebted to Senator HELMS for his service to our country. It has been a privilege to stand with the Senator on so many of the issues that are important to the

United States. I am proud to call Senator HELMS a colleague and a friend, and we all know how much his leadership will be missed in this institution.

Thank you, JESSE, for your continued dedication not only to the Senate, but also your country which is so near and dear to your heart.

TRIBUTE TO SENATOR STROM THURMOND

Mr. BIDEN. Mr. President, what can I say about STROM THURMOND?

I remember, back in 1981, the Senate Judiciary Committee had a new chairman—and a new ranking member, and there were more than a few folks looking forward to the fireworks.

There was a new conservative Republican administration and new Republican majority in the Senate. The Judiciary Committee seemed destined to be one of the main ideological battlegrounds over issues that divided us then and still divide us today.

There were more than a few Washington insiders who thought that STROM THURMOND the seasoned veteran conservative Republican chairman who first made his mark on the national political scene as an advocate of State's rights—and JOE BIDEN a northeastern Democrat still in his thirties whose interest in politics was sparked, in large measure, by the civil rights movement would never find an inch of common ground—not an inch.

But I knew that was not going to be the case. I had served with STROM for eight years by then . . .

I knew his personal strengths, and admired them greatly, regardless of our political differences, and I knew those strengths would guide us to consensus rather than gridlock.

I knew, with STROM, there would be comity—not enmity.

And I knew debate would be civil and constructive rather than divisive and filled with meaningless partisan rhetoric.

STROM, as usual, didn't let me down. In his six years as chairman—and for several years after that when we switched roles—he exceeded my expectations in every way.

There were many heated debates and contentious hearings, but we weathered them and we weathered the kinds of controversies which I've seen poison the well for other committees for years afterward.

But that kind of cooperation would not have happened if it weren't for STROM THURMOND's strength of character.

It would not have happened if he were not, first and foremost, a gentleman—unfailingly courteous, respectful, and always dignified.

STROM's word is his bond, and each of us, even the most partisan political opponents knows that, in the heat of debate, under extraordinary pressure, when the stakes are exceedingly high, STROM THURMOND will always, always keep his word.

There's an old Greek proverb that says: "The old age of an eagle is better than the youth of a sparrow."

Well, STROM THURMOND is an eagle among us.

He's been my neighbor in the Russell Building for many years now. Actually, he has most of the offices around me so I'd say he is more like the landlord.

He has more seniority in this chamber than any United States Senator has ever had, and more seniority than most Americans will ever dream of having. But longevity is not the measure of a man like STROM THURMOND.

Longevity is a very small part of why we come to this floor to pay tribute to him today—a tribute he richly deserves—not only for a long life, but for a grand life, an accomplished life.

I joke about it sometimes. About the time, for example, someone came up to him and challenged his strength and his tenacity and—right there—STROM took off his coat and started doing push ups.

He has lived long and he has lived well. He has served his country well. And, more than any other public figure, he has been a constant force in this nation for the better part of a century. Never stopping. Never giving up. Always fighting for his beliefs. Unequivocally. Unashamedly.

Whether it was his independent run for President 54 years ago, or serving the people of South Carolina as Superintendent for Education of Edgefield County, as a City and County Attorney, a state senator, a circuit court judge, Governor, or United States Senator—he has been truly, sincerely, honorably, one of America's most engaged, committed, and enduring public servants.

He was born back in 1902. It was not until a year later, that the Wright brothers flew the first powered flight. He was 6 when Henry Ford introduced the Model T.

He received his degree from Clemson one year after the Yankees signed Babe Ruth.

When STROM joined the army, Calvin Coolidge was elected President.

The Golden Gate Bridge was completed the year STROM was elected to the state senate.

Judging from that time-line, you might conclude that American legends tend to lead somewhat parallel lives.

There is no doubt that STROM THURMOND is an American legend.

He served only one term as a State senator, but in that one term most people don't realize he became an education Senator, raising teachers' pay and extending the school year.

Not to mention the fact that he sponsored South Carolina's first Rural Electrification Act.

Legend has it that when the U.S. declared war against Germany—STROM was a circuit court judge at the time—he literally took off his robes and volunteered for active duty that day.

He went on to earn five battle stars, eighteen decorations, medals, and

awards—the Legion of Merit with Oak Leaf Cluster, a Purple Heart, a Bronze Star, the Belgian Order of the Crown and the French Croix de Guerre.

Then, in 1947, he was elected Governor of South Carolina. He added 60,000 new private sector jobs. Paved 4100 miles of farm-to-market roads, raised teachers' pay again, started a trade and technical education system and lowered property taxes. Not a bad record. But STROM was not done.

He was elected to this Chamber in 1954. I have been here for 30 years. I consider that to be quite a long time but STROM arrived 18 years earlier. But STROM came the hard way. He was a write-in candidate.

I believe he has the distinction of being the first person to be elected to a national office that way.

It wasn't long before he became an expert on the military and an advocate for a strong national defense. He's been on the Armed Services Committee since the Eisenhower Administration—1959.

He was a Democrat back then. We could use you again now, Senator.

But seriously, STROM held to his convictions about a strong military and, in 1964, said the Republican Party more closely represented his views, so he switched and, when he did, changed the future of South Carolina politics.

STROM and I may disagree on most issues, but, the fact is, it was STROM THURMOND who, one way or another, helped shape the debate on many of those issues for the better part of the last century.

A long life is the gift of a benevolent God, but a long life with a powerful and lasting impact is the treasure of a grateful Nation.

He has had that kind of impact, and we are grateful.

His achievements, his list of awards, the many schools and buildings named—for him too many to enumerate here—are only a small tribute to a man who has done in a hundred years more than most of us could accomplish in a thousand. And, the truth is, most of us wouldn't have the energy to even try.

The real beneficiaries of STROM THURMOND's legacy are the citizens of South Carolina.

Not since the days of John C. Calhoun has South Carolina enjoyed such memorable representation as it does today with Senator THURMOND and Senator HOLLINGS.

From his own reflections and experiences, Calhoun wrote the famous Disquisition on Government. Some political scientists have said that essay is a key to modern American politics, a handbook for defending against the tyranny of the majority, and for building pragmatic coalitions.

In that work, Calhoun wanted to maintain the Constitutional rights of States, and the delicate relationship between federal and state powers.

STROM THURMOND wears the mantle of that heritage.

Some years back, Senator THURMOND was quoted as saying, "The Constitution means today exactly what it meant in 1787 or it means nothing at all."

Armed with that conviction all of his life, he's been an able advocate of State's rights—the balance of power between branches of Government—individual rights against Government prerogatives and usurpations—private enterprise—decentralized Government—and strict Constitutional interpretation.

He has not only been a successful politician who helped shape the last century, but a political philosopher with whom I do not always agree, but for whom I have the deepest respect.

Let me tell you one of my most memorable stories about STROM.

It was when we went down to the White House to try to convince President Reagan to sign a crime bill.

President Reagan was in the beginning of his second term. We sat in that Cabinet room. We were on one side of the table and William French Smith, Ed Meese, and someone else, I can't recall whom, were on the other side.

The President walked in and sat down between STROM and me. We told him why we thought he should sign the bill, why it was important for him to sign it.

At first, the President looked like he was thinking about it, and then, to the shock of everyone on the other side of the table, he began to look like he was being convinced—that he actually might sign it.—This is absolutely a true story.

Ed Meese stood up at that point. He looked at us and then he looked at the President and said, "Mr. President, it's time to go."

The President hesitated. He looked over at STROM and nodded as if he wanted to hear more. But Ed Meese said again, "Mr. President, it's time to go."

At that point, the President made a motion to get up, and STROM reached over and put his hand firmly on the President's arm. He grabbed it and pulled him back down and said, "Mr. President, the one thing you got to know about Washington is that when you get as old as I am, you want to get things done, you have to compromise."

There was Ronald Reagan, not that much younger than STROM, and there was STROM, smiling, making the President laugh. And there was Ed Meese not looking very happy as STROM talked the President into his position.

That's a remarkable ability, and it works for STROM because people always know where his heart is. They know what his objective is.

People know that he believes what he says and says what he believes and it's real and it is honest.

One more personal story that I will never forget. It was during a contentious hearing on a Supreme Court Justice and a difficult time in my career. STROM and I disagreed on the nominee.

And I was being blasted in the press back in 1988.

I called a meeting of the entire committee and said that if the accusations relevant to me were getting in the way of the work of the committee, I would resign as Chairman.

But before I could get the last word out of my mouth, STROM stood up. "That's ridiculous," he said. "You stay as chairman. We all have confidence in you."

I said, "Don't you want me to explain?"

And STROM said, "There's no need to explain. I know you."

I will never forget what he said that day. "There's no need to explain. We know you."

I have told this story before, but to this day, I can't think of many other people who would, having a significant political advantage, not only not take it, but stand by me. That's the STROM THURMOND I know and will always admire.

I have been honored to work with him, privileged to serve with him, and proud to call him my friend. As I said earlier: A long life may well be the gift of a benevolent God, but a long life with an impact as powerful and lasting as his is the treasure of a grateful Nation.

STROM THURMOND is, without doubt, an American treasure.

The truth of the matter is that his longevity lies in his strength of character, his absolute honesty and integrity, his sense of fairness, his civility and dignity as a gentleman, and his commitment to public service.

None of these things are skills you learn. They are qualities that burn deep within leaders like STROM THURMOND. And people who know him well can sense them.

The measure of STROM THURMOND is not how long he has lived or how long he has served, but the good he has done, the record of success he has achieved, and the standard of leadership he has set.

The truth is that STROM's ongoing legacy is not about time, it is about extraordinary leadership and dedicated service to the people of South Carolina and the nation.

And for that we say, "Thank you, STROM, and a hundred more."

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

21ST CENTURY DEPARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the conference report accompanying H.R. 2215, which the clerk will report.

The legislative clerk read as follows:

The conference report to accompany H.R. 2215, to authorize appropriations for the Department of Justice for fiscal year 2002, and for other purposes.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the conference report to accompany H.R. 2215, the 21st Century Department of Justice Appropriations Authorization Act:

Harry Reid, Jeff Bingaman, Jean Carnahan, Hillary Clinton, Thomas Carper, Richard Durbin, Paul Sarbanes, Daniel Inouye, Bill Nelson of Florida, Jack Reed, Patrick Leahy, Benjamin Nelson of Nebraska, John Edwards, Tim Johnson, Joseph Lieberman, Byron Dorgan, Tom Daschle.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call under the rule is waived.

The question is, Is it the sense of the Senate that debate on the conference report accompanying H.R. 2215, the 21st Century Department of Justice Appropriations Authorization Act, shall be brought to a close? The yeas and nays are ordered under rule XXII, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES: I announce that the Senator from Utah (Mr. HATCH) and the Senator from North Carolina (Mr. HELMS) are necessarily absent.

I further announce that if present and voting the Senator from Utah (Mr. HATCH) would vote "yea."

The yeas and nays resulted—yeas 93, nays 5, as follows:

[Rollcall Vote No. 229 Leg.]

YEAS—93

Akaka	Dodd	Lincoln
Allard	Domenici	McCain
Allen	Dorgan	McConnell
Baucus	Durbin	Mikulski
Bayh	Edwards	Miller
Bennett	Ensign	Murkowski
Biden	Enzi	Murray
Bingaman	Feingold	Nelson (FL)
Bond	Feinstein	Nelson (NE)
Boxer	Fitzgerald	Nickles
Breaux	Frist	Reed
Brownback	Graham	Reid
Bunning	Grassley	Roberts
Burns	Gregg	Rockefeller
Byrd	Hagel	Sarbanes
Campbell	Harkin	Schumer
Cantwell	Hollings	Sessions
Carnahan	Hutchinson	Shelby
Carper	Hutchison	Smith (OR)
Chafee	Inhofe	Snowe
Cleland	Inouye	Specter
Clinton	Jeffords	Stabenow
Cochran	Johnson	Stevens
Collins	Kennedy	Thomas
Conrad	Kerry	Thompson
Corzine	Kohl	Thurmond
Craig	Kyl	Torricelli
Crapo	Landrieu	Voinovich
Daschle	Leahy	Warner
Dayton	Levin	Wellstone
DeWine	Lieberman	Wyden

NAYS—5

Gramm	Lugar	Smith (NH)
Lott	Santorum	

NOT VOTING—2

Hatch	Helms
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The PRESIDING OFFICER (Mr. JOHNSON). On this vote, the yeas are 93,

the nays are 5. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank Senators for this overwhelming vote in bringing this debate to a close. This is a piece of legislation that passed in the other body 400 to 4. This vote shows overwhelming support in this body.

Senator HATCH, the ranking member of the Judiciary Committee, is necessarily absent. I know he supports this bill, too. And I thank, also on his behalf, those Senators who joined in this vote.

I do not know what the pleasure of the body is, Mr. President, but I am perfectly willing to move forward. I am not going to request a rollcall vote. I don't know if anyone else wishes to have one. I think to have had such an overwhelming vote—93 to 5—gives a pretty good understanding of where the body is on a piece of legislation such as this that covers everything from drug abuse in juvenile areas, to creating 20 new judges, to protecting our FBI in dangerous situations.

So, Mr. President, I am about to yield the floor, but I am perfectly willing to just go forward on the legislation. Obviously, if anybody else wants to speak on it or ask for a rollcall vote, that is their prerogative.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ

Mr. SPECTER. Mr. President, I have sought recognition today to discuss the situation with respect to Iraq. At the outset, I compliment the President for coming to Congress. I believe that, as a matter of constitutional law, the President, as Commander in Chief, has the authority to respond to emergencies, but when there is time for discussion, deliberation, debate, and a decision, then it is the responsibility of the Congress, under the Constitution, to declare war and to take the United States to war.

Originally, there had been a contention that the President did not need congressional authorization, but the President has decided to come to Congress, and I compliment him for doing that.

I also think that the President has moved wisely in seeking a coalition of the United Nations, as President Bush in 1991 organized a coalition, came to the Congress, and had authorization for the use of force against Iraq which had invaded Kuwait. The assemblage of an international coalition is a very important item.

The issue of inspections is one which has to be pursued. To say that Saddam

Hussein is a difficult man to deal with, would be a vast understatement. He maneuvered and ousted the inspectors from Iraq some 4 years ago.

It seems to me the inspections have to be thorough, total, unannounced, intrusive, going everywhere, however, there cannot be an exclusion for the President's palaces, which are very large tracts of land and could conceal great quantities of weapons of mass destruction.

Senator SHELBY and I made a trip to the Sudan in August as part of a trip to Africa. In the Sudan, we found that there is an interest on the part of the Sudanese Government in cooperating with the United States, and they have agreed to inspections of their arms factories and their laboratories. They are no-notice inspections, where inspectors go in and break the locks, inspect, and take photographs anywhere, anytime, anywhere. I believe that has to be the format for inspections in Iraq.

I am concerned about the timing of an authorization or declaration of war. I think an authorization for the use of force is tantamount or the equivalent to a declaration of war. That authorizes the President to wage war. It is a concern of mine as to whether there is authority for the Congress under the Constitution to make this kind of a delegation.

The learned treatise written by Professor Francis D. Wormuth, professor of political science at the University of Utah, and Professor Edwin B. Firmage, professor of law at the University of Utah, engages in a very comprehensive analysis of this issue.

The background of the issue is that, when the Constitution and the three branches of Government were formulated, Article I gave certain authority to the Congress. One of the authorities that the Congress has is the authority to declare war. Article II gave authority to the executive branch, to the President, and Article III gave authority to the courts.

The core legislative responsibilities, such as a declaration of war, have been viewed as being non-delegable. They cannot be given to someone else. Professors Wormuth and Firmage say at the outset of chapter 13, on the delegation of the war power:

That Congress may not transfer to the executive . . . functions for which Congress itself has been made responsible.

The treatise further goes on at page 70 to point out—and I am leaving out references which are not directly relevant—but the two professors point out at page 70 that:

The Framers . . . never supposed that a state of war could arise except as a result of a contemporaneous decision of Congress on the basis of contemporary known facts.

In the Federalist Papers, Hamilton made an observation on this subject, and it is cited again in the treatise by the two professors noting that Hamilton in the Federalist Papers argued the system was safe precisely because the President would never be able to

exercise this power, referring to the power to declare war or the power to use force. While not cast specifically in the dialogue of delegation of power, the Federalist tracts, written by Hamilton and cited by Wormuth and Firmage, do argue about the limitations of Federal power.

The treatise by Professors Wormuth and Firmage then goes on to cite Chief Justice Marshall, who said—and again I leave out materials which are not directly relevant—it will not be contended Congress can delegate powers which are exclusively legislative.

Here you have a power, the power to declare war, which is a core congressional power. Chief Justice Marshall has been the author of many doctrines which have survived 200 years since he served as Chief Justice of the Supreme Court of United States.

The treatise by Wormuth and Firmage then goes on to quote Clay, and they cite this reference:

According to Clay, the Constitution requires that Congress appraise the immediate circumstances before the Nation voluntarily enters into a state of war.

That is at page 207. The treatise further points out, Clay's argument was that:

Congress itself cannot make a declaration of a future war dependent upon the occurrence of stipulated facts, because war is an enterprise in which all the contemporary circumstances must be weighed.

The treatise by Wormuth and Firmage goes on to point out that it is:

Impossible for Congress to enact governing standards for launching future wars.

They note it is not possible to authorize the President:

To initiate a war in a future international environment in which significant details, perhaps even major outlines, change from month to month or even from day to day. The posture of international affairs of the future cannot be known to Congress at the time the resolution is passed.

So we have the generalized declaration that core congressional functions may not be delegated as a basic requirement under the constitutional separation of powers, and then an articulation of the reasons as to why this is the law. That is because, as noted in the authorities, the circumstances may change in a matter of months or, as noted, even in a matter of days.

I am not unaware the Congress is proceeding on a timetable which is likely to eventuate a vote next week, or if not next week, shortly thereafter. As is well-known, we are in an election season, with elections on November 5. Today is October 3. The closing date of the Congress had originally been set at October 4, which would have been tomorrow, Friday. It has been extended until October 11. Nobody is sure when we will adjourn. When asked the question as to when the Senate will adjourn, I say the Senate adjourns when the last Senator stops talking. We do not know precisely when that will be.

There is a move to have a vote before we leave town. Of course, we could

come back. When there is a matter as important as a resolution authorizing the use of force, the equivalent of a declaration of war, there is no congressional responsibility that is weighed more heavily, more solemnly, or more importantly than that.

I am not naive enough to think anybody is going to go into court or that a court would consider this, what we lawyers call a justiciable issue, or decide this sort of a matter. I do think it is a matter which ought to be focused on by Members of the Senate and House of Representatives. I have not seen any public commentary on the issue.

I became very deeply involved on the legalisms of the doctrine of separation of power 8 years ago when there was a base closing commission where Congress delegated authority to a commission to decide which bases would be closed, and I think they inappropriately closed the Philadelphia Navy Yard. I studied the subject in some detail—in fact, argued the matter in the Supreme Court of the United States—so when this issue has arisen, I have been concerned about what the Congress is doing. I have studied the issue and have raised these concerns, which I want to share with my colleagues.

I am well aware of the argument that it would strengthen the President's hand to have a very strong vote from the Congress of the United States, as he is negotiating in the United Nations. Secretary of State Powell is seeking a tougher resolution before inspections start. The U.N. inspectors met with the Iraqi officials and are talking about starting inspections in 2 weeks. Secretary Powell yesterday said he would like a tougher resolution so there are more stringent requirements to be imposed on Iraq before the inspections go forward. There are difficulties in dealing with the French, the Russians, and the Chinese.

There is no doubt that a strong resolution by Congress supporting the President would give weight to the President's position. The predictions are generalized that the President can expect a very strong vote from the House of Representatives, based on what happened yesterday with the concurrence of Speaker HASTERT and Democrat Leader GEPHARDT. The sentiments of the Senate may be somewhat different, perhaps a little more deliberative, but the predictions are that a resolution will come from the Senate backing the President as well.

I think it is a momentous matter. It is one which we need to consider. We need to consider all of the alternatives short of the use of force. We need to consider whether our objectives can be attained without sending American men and women into battle; without exposing Iraqi civilians to casualties; without undertaking the problems of war—the attendant body bags, collateral damage, and the death of civilians, which is inevitable. We need to find a way to rid Iraq and the world of Saddam Hussein, and have the appropriate

assurances that there are not going to be weapons of mass destruction which threaten the United States or our neighbors.

There is a very serious concern as to what will happen with neighboring Israel. General Scowcroft, former National Security Council, wrote an article which appeared in the Wall Street Journal in August, raising a concern about an Armageddon, with the possibility of a nuclear conflict if Iraq and Saddam Hussein unleash weapons of mass destruction on Israel, and as to what the retaliation may be.

The consequences are very difficult to figure out. If we can find a way to get rid of Saddam Hussein; have the assurances that the world will not be subjected to his maniacal impulses and his irrational tendencies, which includes his use already of chemical weapons in the Iran war and on his own people, the Kurds; if we can find a way to do that short of war, that certainly ought to be our objective. I raise this constitutional issue so that my colleagues may consider it, as well.

Mr. SPECTER. I ask unanimous consent I may proceed for an additional 5 minutes on an unrelated subject, the confirmation of Judge James Gardner.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONFIRMATION OF JUDGE JAMES GARDNER

Mr. SPECTER. Mr. President, yesterday in what is called wrap-up in the Senate, by unanimous consent a Pennsylvania judge was confirmed. I had not known that his confirmation was imminent, however, I am very glad it was and I am very glad it was accomplished. I thank the managers, including the Senator from Nevada.

I make a comment or two about Judge Gardner who was endorsed by Senator SANTORUM and me and passed our bipartisan nonpolitical nominating panel. Senator SANTORUM and I have maintained the practice which Senator Heinz and I had many years ago on submitting applicants to a commission which studies them, in addition to review by the American Bar Association and by the FBI.

Judge Gardner graduated magna cum laude from Yale University, received his JD degree from Harvard University Law School, which is obviously an excellent educational background. He then joined a big firm in Philadelphia, Duane, Morris & Heckscher, and later went to Allentown where he became a member of the law firm of Gardner, Gardner, & Racines.

He began his career in public service as Solicitor to the Lehigh County Treasury and later served as assistant district attorney in Lehigh County. I must say that being assistant D.A. is very good training for anything. People ask me what is the best job I ever had, being a Senator or district attorney, and I say the best job I ever had was assistant district attorney, getting to the courtroom and trying cases.

He has been on the Court of Common Pleas of Lehigh County for some 21

years, presided over 265 jury trials, and written nearly 1,000 legal opinions, 138 of which have been published.

He is very active in community affairs. He is on the Board of Directors of the Boys and Girls Club of Allentown and the Allentown Police Athletic League. He has been awarded the Meritorious Service Medal from the President of the United States, and the Pennsylvania Bar Association's Special Achievement Award.

We have a practice of trying to accommodate litigants by having various stations in Pennsylvania: one in Johnstown, one in Bethlehem and in Lancaster, and of course we have the district court sitting in Harrisburg, in Wilkes-Barre, Scranton, and also Williamsport. Judge Gardner will be handling the station in Allentown to accommodate litigants so that they do not have to travel long distances to have their cases heard.

I yield the floor.

Mr. REID. I ask the Senator from Kansas how long he wishes to speak.

Mr. BROWNBAC. I thank the Senator from Nevada. I would like to speak for 15 minutes. I think there are other people who would like to speak, as well.

Mr. REID. We have spoken to the minority side. Senator BYRD wishes to use his hour postcloture. I ask unanimous consent he be allowed to do that beginning at 1:10, following the statement of the Senator from Kansas. Postcloture, he is entitled to that. I ask he be allowed to speak during that postcloture on any matter he wishes to talk about.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kansas.

Mr. BROWNBAC. Mr. President, we are on the judicial reauthorization bill that just received cloture. I was happy to see that taking place. I draw attention to the body to one particular provision that is important. It is J-1 visas. These visas are granted to people who were born in another country, other than the United States, but trained according to medical standards in the United States, in passing medical boards in the United States, and then able to serve throughout the United States. I know the Presiding Officer's State and my State are dependent on people born in foreign countries being able to provide medical services in Kansas.

We have 105 counties and 20 that would be medically underserved if not for this feature called J-1 visas for medically underserved counties to have medical personnel, as I previously described.

Within the provision of the judicial reauthorization bill, it allows for 30 J-1 visas on a per State, per year basis to work with recruitment of medical personnel. My State of Kansas is dependent on this feature. Twenty of our 105 counties would be medically underserved if not for J-1 visas. There was a problem within the old program that the oversight was not sufficient.

After September 11, a number of people were concerned about who was getting into the United States under these J-1 visas: Are they properly supervised and properly observed, or is there potential for untoward elements that would come in this way that might seek to do harm to the United States? That was an area of concern. We were concerned about everyone coming to the United States at that point. This was another area where people had deep concerns.

This program, as we have revised it, has supervision in place to watch this program and to meet the needs of States like Kansas where we have significant areas of medically underserved populations and at the same time meet the security needs of the United States so we do not allow in an individual who seeks to do harm to the rest of the United States.

I worked in the Judiciary Committee. We worked on the Immigration Subcommittee. This bill got through the House of Representatives. Congressman JERRY MORAN from my State worked over there. We have met everyone's concerns to get this passed through the needs of States such as my own, particularly for rural States because this is a chronic issue, with significantly underserved areas, aging population in some counties that need more and more services and have more and more difficulty getting medical personnel into the areas. This is working under the J-1 category for medical doctors. We are using it for medical technologists. In the future we will need it for broader categories within health care as well, potentially for physical therapists and nurses, to get adequate personnel in places that are needed. It will be a valuable feature, looking into the future.

Overall, the judicial reauthorization is a good bill, one that we should pass. It is significant. We have not had one of these reauthorizations for some period of time. It is certainly the time to be doing this, to bring this issue forward. I commend the chairman and ranking member and those who have worked very hard in the conference committee to move this issue forward.

IRAQ

Mr. BROWNBAC. As we look and move forward on the issue of Iraq and war with Iraq and the potential of providing the President military authorization, I hope the body and the Members and people across the country and across the world look at the potential of a post-Saddam Iraq. Former Senator Kerrey of Nebraska and I worked, when he was in the Senate, with a group called the Iraqi National Congress, an umbrella group of opposition leaders, to try to bring to the forefront opposition groups, bring them together, and move forward with the track that once Saddam is out, moving forward with a democracy, with human rights, civil liberties for the people of Iraq.

I think a lot of times we get caught too much in the downside potential. It

is not only whether we can get Saddam out. It is not only what are going to be the problems of doing this. Sometimes we do not see the upside potential.

There is clear downside potential in taking on Saddam Hussein, there is no question about that—potential loss of lives of our troops, our people, terrorist threats, potential loss of life in the region, loss of life in Iraq. It is undeniable.

It is also unquestionable and undeniable that Saddam Hussein has killed a number of people already, gassed his own people, attacked Iran, gassed the Iranian people. He has continued to rule by fear. He has killed people within his own Cabinet and his own family. This is a man who is familiar with evil and has exercised it.

What about after Saddam Hussein? What then? You have a country in that region that has a history of rudimentary democracy. From 1921 until 1958, they had a constitutional monarchy, where you had a monarch but you also had a parliament that was elected by the people. They had control over budgets and ministers in the various areas of the Cabinet. It is not the level of our democracy today, but probably the level of the English democracy in the mid-1800s. They had a functioning democracy where they elected people and they had real legitimate authority within that. There is that basis.

This is one of the oldest civilizations in the world where Iraq is. They would say this is the cradle of civilization, it has been there for thousands of years—and it has. It is an urban society. Eighty percent of the population are in urban areas. It is a well educated populace that is there. It is also sitting on 10 percent of the world's oil supply. So it has the ability to generate enough income to rebuild and grow itself.

My point in saying all of that is that post-Saddam, when you get this man, who has brought so much evil to that region of the world and to the rest of the world, out of there, you have the basis of a real, growing, healthy, vibrant, democratic, free-market society. People are going to be free, and they are going to have liberty, and there is going to be great joy there for that possibility, and to be able to move forward in a region of the world that has not known much in the way of democracy.

Outside of Israel and Turkey, you don't have democracies in that region of the world. You don't have any freedoms. You have a lot of resources, but you have a lot of poverty. That is because systems matter, and they have had systems that have been totalitarian in nature.

Iraq has a history that is different. Until 1958, when there was a military coup, this was an operating country with many democratic features within it. They can build on that. Once that is established in Iraq, you move forward and press for democracy, and that is going to infect the entire region for de-

mocracy, human rights, religious freedom, pluralism, tolerance, free markets. Then it is going to be able to spread throughout.

As former Secretary Henry Kissinger said at a hearing we had last week, he views that if we go in and deal with Iraq, it is going to have a very positive, salutary effect on the war on terrorism. It is going to say to a number of countries that we are serious about dealing with terrorists, we are serious that countries that house and support terrorists are our enemies; you are either with us or against us in the war on terrorism.

If we do not go at Iraq, our effort in the war on terrorism dwindles into an intelligence operation. If we go at Iraq it says to countries that support terrorists—and there remain six in the world that fit our definition of state-sponsored terrorists—you say to those countries that we are serious about terrorism and we are serious about you not supporting terrorism on your own soil. This is going to be a big statement we will make.

It is with a great deal of difficulty and it is with a great deal of cost. But the option of doing nothing is far worse than the option of doing something and acting now. The upside potential of our acting and helping allow the Iraqi people their freedom to be able to move forward with a democracy is significant upside potential, within that region, for liberty and freedom to expand throughout that area.

We will have this debate on granting military authority to the President, which is going to be a significant debate in this body. Hopefully, we will look at all the issues, and I think we will. Particularly, we should look at things such as: Is Saddam Hussein going to be able to get weapons of mass destruction to terrorists and out of the country to attack other people during this period of time?

I hope we will also look at the downside of not doing something and the upside of helping people pursue freedom and liberty, such as what has the potential of taking place in Iraq and pursuing a democracy there.

I point out to people who are not familiar with this, Saddam Hussein does not control the whole country. He doesn't control the north of Iraq, the Kurdish region. It was reported that a number of Kurdish troops who are there are outside of his control. He has sporadic control in the south of the country. He controls it during the day; at other times, he doesn't. His main control is in the center, in the Baghdad region of the country. This is not a homogeneous population, nor is it completely under his authoritarian rule. We will be able to work with populations in both the north and south to build pressure on him in the center of this country when we move forward, addressing and dealing with Saddam Hussein.

It is a big issue. It is a big issue for the country. It is a big issue for the

world. It is a big issue for liberty. It is a big issue, dealing with a very militant, politicized strain of Islam in that region, and particularly in Iraq, that Saddam Hussein seeks to exploit. You know, he would not view himself associated with it, but he is certainly working to exploit that at this point in time. This is an important argument and discussion for this country and for the world.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. EDWARDS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RUSH TO IRAQ RESOLUTION IGNORES UNANSWERED QUESTIONS

Mr. BYRD. Mr. President, Titus Livius, one of the greatest of Roman historians, said:

All things will be clear and distinct to the man who does not hurry; haste is blind and improvident.

"Blind and improvident"—"Blind and improvident."

Congress would be wise to heed those words today, for as sure as the Sun rises in the East, this country is embarking on a course of action with regard to Iraq that is both blind and improvident. We are rushing into war without fully discussing why, without thoroughly considering the consequences, or without making any attempt to explore what steps we might take to avert the conflict.

The newly bellicose mood that permeates this White House is unfortunate—unfortunate—all the more so because it is clearly motivated by campaign politics. Republicans are already running attack ads against Democrats on Iraq. Democrats favor fast approval of a resolution so they can change the subject to domestic economic problems.

Before risking the lives—I say to you, the people out there who are watching through those electronic lenses—before risking the lives of your sons and daughters, American fighting men and women, all Members of Congress—Democrats and Republicans alike—must overcome the siren song of political polls and focus strictly on the merits and not the politics of this most grave, this most serious undertaking—this most grave, this most serious issue that is before us.

The resolution—S.J. Res. 46—which will be before this Senate is not only a product of haste, it is also a product of Presidential hubris. This resolution is breathtaking—breathtaking—in its scope. It redefines the nature of defense. It reinterprets the Constitution to suit the will of the executive branch. This Constitution, which I hold in my hand, is amended without going through the constitutional process of amending this Constitution.

S.J. Res. 46 would give the President blanket authority to launch a unilateral preemptive attack on a sovereign nation that is perceived to be a threat to the United States—a unilateral preemptive attack on a sovereign nation that is perceived to be a threat to the United States.

This is an unprecedented and unfounded interpretation of the President's authority under the Constitution of the United States, not to mention the fact that it stands the charter of the United Nations on its head.

Representative Abraham Lincoln, in a letter to William H. Herndon, stated:

Allow the President to invade a neighboring nation whenever he shall deem it necessary to repel an invasion, and you allow him to do so whenever he may choose to say he deems it necessary for such purpose—and you allow him to make war at pleasure. Study to see if you can fix any limit to his power in this respect, after you have given him so much as you propose. If, to-day, he should choose to say he thinks it necessary to invade Canada, to prevent the British from invading us, how could you stop him? You may say to him, "I see no probability of the British invading us" but he will say to you "be silent; I see it, if you don't."

The provision of the Constitution giving the war-making power to Congress, was dictated, as I understand it, by the following reasons. Kings had always been involving and impoverishing their people in wars, pretending generally, if not always, that the good of the people was the object. This, our Convention understood to be the most oppressive of all Kingly oppressions; and they resolved to so frame the Constitution that no one man should hold the power of bringing this oppression upon us. But your view destroys the whole matter, and places our President where kings have always stood.

If he could speak to us today, what would Lincoln say of the Bush doctrine concerning preemptive strikes?

In a September 18 report, the Congressional Research Service had this to say about the preemptive use of military force:

The historical record indicates that the United States has never, to date, engaged in a "preemptive" military attack against another nation. Nor has the United States ever attacked another nation militarily prior to its first having been attacked or prior to U.S. citizens or interests first having been attacked, with the singular exception of the Spanish-American War. The Spanish-American War is unique in that the principal goal of the United States military action was to compel Spain to grant Cuba its political independence.

The Congressional Research Service also noted the Cuban Missile Crisis of 1962:

... represents a threat situation which some may argue had elements more parallel to those presented by Iraq today—but it was resolved without a "preemptive" military attack by the United States.

Article I, section 8, of the Constitution grants Congress the power to declare war and to call forth the militia "to execute the Laws of the Union, suppress Insurrections and repel Invasions." Nowhere—nowhere—in this Constitution, which I hold in my hand—nowhere in the Constitution is it written the President has the author-

ity to call forth the militia to preempt a perceived threat. And yet the resolution which will be before the Senate avers that the President "has authority under the Constitution to take action in order to deter and prevent acts of international terrorism against the United States, as Congress recognized in the joint resolution on Authorization for Use of Military Force" following the September 11 terrorist attack.

What a cynical twisting of words. What a cynical twisting of words. The reality is Congress, exercising the authority granted to it under the Constitution, granted the President specific and limited authority to use force against the perpetrators of the September 11 attack. Nowhere—nowhere—was there an implied recognition of inherent authority under the Constitution to "deter and prevent" future acts of terrorism. It is not in there. It is not in that Constitution. There is no inference of it. There is no implication of it for that purpose.

Think, for a moment, of the precedent that this resolution will set, not just for this President—hear me now, you on the other side of the aisle—not just for this President but for future Presidents. From this day forward, American Presidents will be able to invoke Senate Joint Resolution 45 as justification for launching preemptive military strikes against any sovereign nations they perceive to be a threat.

You better pay attention. You are not always going to have a President of your party in the White House. How will you feel about it then?

Other nations will be able to hold up the United States—hold up the USA—as the model to justify their military adventures. Do you not think, Mr. President, that India and Pakistan, China and Taiwan, Russia and Georgia, are closely watching the outcome of this debate? Do you not think future adversaries will look to this moment to rationalize the use of military force to achieve who knows what ends?

Perhaps a case can be made Iraq poses such a clear and immediate danger to the United States that preemptive military action is the only way to deal with that threat. To be sure, weapons of mass destruction are a 20th century and 21st century horror the Framers of the Constitution had no way of foreseeing. But they did foresee the frailty of human nature. And they saw the inherent danger of concentrating too much power in one individual. They saw that. That is why the Framers bestowed on Congress—not the President—the power to declare war.

As James Madison wrote, in 1793:

In no part of the Constitution is more wisdom to be found, than in the clause which confides the question of war or peace to the legislature, and not to the executive department. Beside the objection to such a mixture of heterogeneous powers, the trust and the temptation would be too great for any one man. . . .

That was James Madison: "the trust and the temptation would be too great for any one man."

Mr. President, Congress has a responsibility to exercise with extreme care the power to declare war. A war against Iraq will affect thousands—if not tens of thousands, and even hundreds of thousands—of lives and perhaps alter the course of history. It will surely affect the balance of power in the Middle East. It is not a decision to be taken in haste, as we are being pushed today, as we are being stampeded today to act in haste. Put it behind us, they say, before the election.

It will surely affect the balance of power in the Middle East. It is not a decision to be taken in haste under the glare of election-year politics and the pressure of artificial deadlines. And yet any observer can see that is exactly, that is precisely what the Senate is proposing to do—the Senate and the House.

What a shame. Fie upon the Congress. Fie upon some of the so-called leaders of the Congress for falling into this pit.

The Senate is rushing to vote on whether to declare war on Iraq without pausing to ask why. We don't have time to ask why. We don't have time to get the answers to that question: Why? Why is war being dealt with not as a last resort but as a first resort?

Why is Congress being pressured to act now, as of today, I believe 33 days before a general election, when a third of the Senate and the entire House of Representatives are in the final, highly politicized weeks of election campaigns? Why?

As recently as Tuesday, October 1—this past Tuesday—the President said he had not yet made up his mind. As late as this past Tuesday, he had not yet made up his mind about whether to go to war with Iraq. And yet Congress is being exhorted, is being importuned, is being adjured to give the President open-ended—open-ended—authority now—give it to him now—to exercise whenever he pleases in the event that he decides to invade Iraq.

Where are we? Where are our senses? Why is Congress elbowing past the President to authorize a military campaign that the President may or may not even decide to pursue? Aren't we getting a little ahead of ourselves?

The last U.N. weapons inspectors left Iraq in October of 1998. We are confident that Saddam Hussein retains some stockpiles of chemical and biological weapons and that he has since embarked on a crash course to build up his chemical and biological warfare capability. Intelligence reports also indicate that he is seeking nuclear weapons but has not yet achieved nuclear capability.

It is now October in this year of Our Lord 2002. Four years have gone by in which neither this administration nor the previous one felt compelled to invade Iraq to protect against the imminent threat of weapons of mass destruction, until today, until now, until

33 days before election day. Now we are being told that we must act immediately. We must put this issue behind us. We must put this question behind us. We must act immediately, we are told, before adjournment and before the elections.

Why the rush? Is it our precious blood which will spew forth from our feeble veins? No. Those of you who have children, those of you who have grandchildren, those of you who have great-grandchildren should be thinking: It is the precious blood of the men and women who wear the uniform of these United States; that blood may flow in the streets of Iraq.

Yes, we had September 11. But we must not make the mistake of looking at the resolution before us as just another offshoot of the war on terror.

We know who is behind the September 11 attacks on the United States. We know it was Osama bin Laden and his al-Qaida terrorist network. We have dealt with al-Qaida and with the Taliban government that sheltered it. We have routed them from Afghanistan. We are continuing to pursue them in hiding. So where does Iraq enter into the equation? Where?

No one in the administration has been able to produce any solid evidence linking Iraq to the September 11 attack. Iraq had biological and chemical weapons long before September 11. We knew it then. We helped to give Iraq the building blocks for biological weapons. We know it now.

Iraq has been an enemy of the United States for more than a decade. If Saddam Hussein is such an imminent threat to the United States, why hasn't he attacked us already? The fact that Osama bin Laden attacked the United States does not de facto mean that Saddam Hussein is now in a lock-and-load position and is readying an attack on these United States. Slow down. Think. Ask questions. Debate.

In truth, there is nothing in the deluge of administration rhetoric over Iraq that is of such moment that it would preclude the Senate from setting its own timetable and taking the time for a thorough and informed discussion of this crucial issue. What is the matter with us? We are the elected representatives. We are the most immediate elected representatives of the American people across this land. What is wrong with our taking the time to ask questions?

The American people want questions asked. It is not unpatriotic to ask questions. Why shouldn't we ask questions? Why do we have to be rushed into voting on S.J. Res. 46? We should have an informed discussion of this crucial issue.

The President is using the Oval Office as a bully pulpit to sound the call to arms, but it is from Capitol Hill that such orders must flow. Read the Constitution of the United States. The orders must flow from Capitol Hill, not from the Oval Office.

The people, through their elected representatives in Congress, must

make that decision. Why don't we have time? Why don't we take time? We make a huge mistake in deciding this issue in an effort to "get it behind us." We are not going to get this issue behind us. It is not going to be put behind us.

It is here that debate must take place and where the full spectrum of the public's desires, concerns, and misgivings must be heard. If Senators will have the backbone to speak out, to ask questions, to demand the answers to questions, the American people are waiting. They are listening. They want answers to their questions.

I hear no clamor to go to war from my people. I hear only the telephones incessantly ringing, saying: Keep asking questions. We want to know why. Stand up for us, Senator.

It is here that debate must take place. We should not allow ourselves to be pushed into one course or another in the face of a full-court publicity press from the White House. We have, rather, a duty to the Nation and to the sons and daughters of this Nation to carefully examine all possible courses of action and to consider the long-term consequences of any decision to act.

As to the separation of powers, Justice Louis Brandeis observed:

The doctrine of the separation of powers was adopted by the Convention of 1787, not to promote efficiency but to preclude the exercise of arbitrary power.

No one supports Saddam Hussein. If he were to disappear tomorrow, no one would shed a tear around the world, other than possibly tears of thanksgiving. I would not. My handkerchief would remain dry. But the principle of one government deciding to eliminate another government, using force to do so, and taking that action in spite of world disapproval is a very disquieting thing.

Where does it end? What nation will be next? I am concerned that it has the effect of destabilizing the world community of nations. I am concerned that it fosters a climate of suspicion and mistrust in U.S. relations with other nations. The United States is not a rogue nation given to unilateral action in the face of worldwide opprobrium.

We are about to change the face of the United States, a nation which believes in liberty, justice, and human rights. What are we about to change? What is it going to be? What is the new image of the United States going to be? That of a bully, ready to draw both guns and start shooting immediately? This is preemptive action, isn't it?

I am concerned about the consequences of a United States invasion of Iraq. It is difficult to imagine that Saddam Hussein, who has been ruthless in gaining power, ruthless in staying in power, would give up without a fight. He is a man who has not shirked from using chemical weapons against his own people. I fear he would use everything in his arsenal against an invasion force, or against an occupation force, up to and including whatever chemical,

biological, or nuclear weapons he might still have.

Iraq is not Afghanistan, impoverished by decades of war, internal strife, tribal conflict, and stifling religious oppression. Though its military forces are much diminished—and ours are somewhat diminished—Iraq has a strong central command and much greater governmental control over its forces and its people. It is a large country that has spent years on a wartime footing, and it still has some wealth.

Nor do I think the Iraqi people would necessarily rise up against Saddam Hussein in the event of a United States invasion, even if there is an undercurrent of support for his overthrow. The Iraqi people have spent decades living in fear of Saddam Hussein and his network of informers and security forces. There has been no positive showing, that I know of, in the form of riots or large and active internal opposition groups, that popular sentiment in Iraq supports a governmental overthrow or the installation of a democratic or republican form of government. There is no tradition of democracy in Iraq's long history. There is, however, a natural instinct to favor the known over the unknown, and in this instance the United States is an unknown factor.

The President and his Cabinet have suggested that this would be a war of relatively short duration. If that is true—which I doubt—why would the Iraqi populace rush to welcome the United States forces? In a few weeks, they might have to answer to the remnants of Saddam Hussein's security forces. A prudent Iraqi would just put his or her head under the bed covers and not come out until the future became clear. Who knows, we might be lucky. We have been pretty lucky thus far in some of our adventures. We might be. But we might not be lucky. A United States invasion of Iraq that proved successful, and that resulted in the overthrow of the government, would not be a simple effort. The aftermath of that effort would require a long-term occupation.

The President has said he would overthrow Saddam Hussein and establish a new government that would recognize all interest groups in Iraq. This would presumably include the Kurds to the north and the Shiite Muslims to the south because the entire military and security apparatus of Iraq would have to be replaced. The United States would have to provide interim security throughout the countryside.

This kind of nation building cannot be accomplished with the wave of a wand by some fairy godmother—even one with the full might and power of the world's last remaining superpower behind her.

To follow through on the proposal outlined by the President would require the commitment of a large number of U.S. forces—forces that cannot be used for other missions, such as homeland defense—for an extended period of time. It will take time to confirm that Iraq's programs to develop

weapons of mass destruction are well and truly destroyed. It will take time to root out all of the elements of Saddam Hussein's government, military and security forces, and to build a new government and security elements. It will take time to establish a new and legitimate government and to conduct free and fair elections. It will cost billions of dollars—your dollars, the taxpayers of America—to do this as well. And the forces to carry out this mission and pay for this mission will come from the United States. There can be little question of that.

If the rest of the world doesn't want to come with us at the outset, it seems highly unlikely that they would line up for the follow-through, even though their own security might be improved by the elimination of a rogue nation's weapons of destruction.

So if the Congress authorizes such a mission, we must be prepared for what will follow. The Congressional Budget Office has already made some estimations regarding the cost of a possible war with Iraq. In a September 30 report, CBO estimates that the incremental costs—the costs that would be incurred above those budgeted for routine operations—would be between \$9 billion and \$13 billion a month, depending on the actual force size deployed. Prosecuting a war would cost between \$6 billion and \$9 billion a month. Since the length of the war cannot be predicted, CBO could give no total battle estimate. After hostilities end, the cost to return U.S. forces to their home bases would range between \$5 billion and \$7 billion, according to the CBO. And the incremental costs of an occupation following combat operations varies from \$1 billion to \$4 billion a month. This estimate does not include any cost of rebuilding or humanitarian assistance.

That is a steep price to pay in dollars. But dollars are only a part of the equation. There are many formulas to calculate costs in the form of dollars, but it is much more difficult to calculate costs in the form of human lives—in the form of deaths on the battlefield and death from the wounds and diseases that flow from the den of battle.

Iraq may be a weaker nation militarily than it was during the Persian Gulf war, but its leader is no less determined and its weapons are no less lethal. During the Persian Gulf war, the United States was able to convince Saddam Hussein that the use of weapons of mass destruction would result in his being toppled from power. This time around, the object of an invasion of Iraq is to topple Saddam Hussein, so he has no reason to exercise restraint.

Now, we are being told by the White House, let him be assassinated: The cost of one bullet would be much less than the cost of a war. Now this Nation is embarking, isn't it, on a doctrine of assassination of other leaders of the world? Is the ban on assassinations being lifted? What do we hear from the

White House? Are we going to revert to the age of the Neanderthals, the cave-men?

The questions surrounding the wisdom of declaring war on Iraq are many, and they are serious. The answers are too few and too glib. This is no way to embark on war. The Senate must address these questions before acting on this kind of sweeping use-of-force resolution. We do not need more rhetoric from the White House War Room. We do not need more campaign slogans or fundraising letters. We, the American people need information and informed debate, because it is their sons, it is their daughters, it is their blood, it is their treasure, it is their children, men and women who are killed in the heat of battle.

Before rushing to war, we should focus on those things that pose the most direct threat to us—those facilities and those weapons that form the body of Iraq's weapons of mass destruction program. The United Nations is the proper forum to deal with the inspection of these facilities and the destruction of any weapons discovered.

If United Nations inspectors can enter the country, inspect those facilities, and mark for destruction the ones that truly belong to a weapons program, then Iraq can be decimated without unnecessary risk or loss of life. That would be the best answer for Iraq. That would be the best answer for the United States. That would be the best answer for the world. But if Iraq again chooses to interfere with such an ongoing and admittedly intrusive inspection regime, then, and only then, should the United States, with the support of the world, take stronger measures.

This is what Congress did in 1991 before the Persian Gulf war. The United States at that time gave the United Nations the lead in demanding that Iraq withdraw from Kuwait. The U.S. took the time to build a coalition of partners. When Iraq failed to heed the U.N., then and only then did Congress authorize the use of force. That is the order in which the steps to war should be taken.

Everyone wants to protect our Nation. Everyone wants to protect our people. To do that in the most effective way possible, we should avail ourselves of every opportunity to minimize the number of American troops we put at risk. Seeking, once again, to allow the United Nations inspecting regime to peacefully seek and destroy the facilities and equipment employed in the Iraqi weapons of mass destruction program would be the least costly and the most effective way of reducing the risk to our Nation, provided that it is backed up by a credible threat of force if Iraq, once again, attempts to thwart the inspections.

We can take a measured, stepped-up approach that would still leave open the possibility of a ground invasion if that, indeed, should become the last resort and become necessary. But there is no way to take that step now.

Mr. President, I urge restraint. Let us draw back from haste. President Bush gave the United States the opening to deal effectively with the threat posed by Iraq. The United Nations embraced his exhortation and is working to develop a new and tougher inspection regime with firm deadlines and swift and sure accountability. Let us be convinced that a reinvigorated inspection regime cannot work before we move to any next step. Let us, if we must employ force, employ the most precise and limited use of force necessary to get the job done.

Let us guard against the perils of haste, lest the Senate fall prey to the dangers of taking action that is both blind and improvident.

Mr. President, a paraphrase of Jefferson would be that the dogs of war are too vicious to be unleashed by any one man alone; that the Framers of the Constitution thought the representatives of the people in the legislative branch ought to make these determinations.

Let us sober up. Let us sober ourselves. Let us take hold of ourselves. Let us move back from this engine of haste and destruction, this desire to get it over, this desire to get it behind us before the elections.

Here we have a resolution, S.J. Res. 46, nine pages of beautifully flowered "whereases," nine pages. Here we have a resolution by which the Senate of the United States and the House of Representatives would be abdicating, pushing aside our responsibility to make decisions about going to war.

This is an abdication of our responsibilities. Here it is; what a shame; what a rag; it is enough to make those eagles up there scream, the eagles beside the clock—for a period that is unlimited in time. Hear me, hear me now, listen to this resolution on which we are going to vote. For a period of time that is unlimited, the President of the United States is authorized to make war anywhere he determines is in some way linked to the threat posed by Iraq—anytime, anywhere, and in any way.

Get that. That is what this amounts to. This is a blank check, nine pages. A blank check. A blank check with whereas clauses serving as figleaves. That is what it is, a blank check with beautifully flowered whereas clauses serving as figleaves. This is a blank check. There it is.

Look at it, nine pages, a blank check that does not simply remove us as representatives of the people from decisionmaking about the use of force now or the use of force in Iraq. It removes us as representatives of the people from making decisions about the use of war so far in the future as we can see. It removes us. You cannot make anything outside of it. It is plain.

I know it is obfuscated and it is all sugar-coated with these figleaves of "whereases." That means, let's say in the year 2014, the Congress will have no role in determining whether military

force should be used in some country linked with Iraq or some purpose related to Iraq. The President can send military forces into war wherever he determines, and it may not be the President we now have. It undoubtedly will be another President because this goes on into the future, as far as the human eye can see.

Under the Constitution, we are abdicating the congressional power to the President of the United States. He can send military forces into war wherever he determines it is in some way related to the "continuing threat" posed by Iraq. This resolution, this power, this blank check, does not terminate if the regime is changed in Iraq. This resolution, this power, does not terminate if inspectors are allowed throughout Iraq. This resolution does not terminate if Iraq is disarmed and all of its weapons and weapons facilities are removed. No. The power goes on. You better read it—read it and weep.

This resolution says that we, the Congress of the United States, are turning over our constitutional responsibility to the President for as long as there is some threat as the President determines; use whatever military forces he wants; wherever he wants to use them; as long as he determines it is necessary to react to the threat posed by Iraq and those working, no doubt, with Iraq, others that he can see as their allies.

Do we want to do that? Do we want to abdicate congressional responsibility under the Constitution of the United States to this President or any President of any political party? Is that what we want? Do we want to be able to just wash our hands of it and say it is all up to the President; we turned it all over to the President?

This resolution—it is nine pages—changes the constitutional presumption that the Congress makes the determination about whether to go to war and for the foreseeable future gives it to a single person elected by a minority of the people.

Ronald Reagan, for example, was elected by one-fourth of the eligible voters of this country. So we turn this momentous power, this unimaginable power, over to one person, the President of the United States, elected by a minority of the people. The whereas clauses are pretty. Oh, they are pretty, pretty, pretty, pretty, pretty, pretty whereas clauses, but they are just window dressing. That is all. They are just figleaves.

All that is necessary is the President's own determination. Why do we take up all this space? Why do we take up nine pages? Why waste all this paper? It is nine pages of beautifully phrased "whereases." If we want to pass this resolution, we can pass it by cutting it down to one sentence. That is all we need, one sentence. We do not have to have all of this window dressing, all this sugar coating, on this bitter pill. One sentence is all we need. One page is all we need.

That sentence could simply say, and it would be legally the same as this document—hear me—we could say the President is authorized to use the Armed Forces of the United States for as long as he wants, wherever he wants, and in any manner he wants, without any approval by Congress, as long as he determines it is necessary to defend against a threat posed by Iraq, in his own determination.

Let me read that again. Let's dispose of the 9 pages. All we need is one sentence in order to do exactly what the 9 pages would do. All that is necessary is the President's own determination. We can save a lot of space. We can save a lot of paper if we want to pass this resolution by cutting it down to one sentence, and that sentence could simply say—and it would be legally the same as this 9-page document—the President is authorized to use the Armed Services of the United States for as long as he wants, wherever he wants, in any manner he wants, without any approval by Congress, as long as he determines it is necessary to defend against a threat posed by Iraq, in his own determination. Nothing else is needed but that sentence.

The rest of it is of no legal consequence, just window dressing. That is the blank check part of this resolution.

Let us guard against the perils of haste, lest the Senate fall prey to the dangers of taking action that is both blind and improvident.

I yield the floor.

The PRESIDING OFFICER (Mrs. CLINTON). The Senator from California.

Mrs. BOXER. Madam President, I ask unanimous consent that under the conference report rules I be allowed to speak for up to an hour and do it on the subject of Iraq.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

IRAQ

Mrs. BOXER. Madam President, I say to my friend from West Virginia, the distinguished Senator, a great leader in the Senate, that he has been a voice of sanity and reason. He has been a voice that the Americans have wanted to hear.

This is one of the most solemn duties we have, and the fact that it was going to be rushed and the fact that it came right before an election and the fact that we have so many unanswered questions, those things are weighing on this Senator's shoulders. I am so pleased the Senator from West Virginia, from his perspective, as someone who has served so well and for so long, was able to speak out as he has.

I do not know where we will wind up on this, but I do know we are going to have alternatives. I think the fact that we will have alternatives, in many ways, is because the Senator from West Virginia from day 1—remember the day 1—when our President did not even want to come to Congress, when his staff was saying to the President it was not necessary, that the Senator from

West Virginia, Mr. BYRD, said, just a moment, read the Constitution.

So before I begin, I thank my friend for his remarks.

Mr. BYRD. Madam President, I thank the distinguished Senator from the great State of California for her gracious remarks. I thank her, too, for what she stands for, for standing up for the Constitution and for representing the people of her great State so well, so consistently, and so effectively.

Mrs. BOXER. Madam President, it means a great deal to me that the Senator has said these words.

One of the most sacred, one of the most humbling, one of the most important—let me say the most important—roles Congress has to play is determining whether our country should send its sons and daughters to war.

The role of Congress in war and peace must not be ignored. We can read it right out of the Constitution. Article I, section 8, says the following: The Congress shall have power to declare war.

What has made me proud is that the American people understand this. I believe they understand it better than some in the administration who started off in August saying the President did not have to come to Congress in order to go to war with Iraq. To be specific, on August 26, the Washington Post quoted a senior administration official who said:

We don't want to be in the legal position of asking Congress to authorize the use of force when the President already has the full authority. We don't want, in getting a resolution, to have conceded that one was constitutionally necessary.

It is clear the American people will not support a war against Iraq without the agreement of Congress. According to a USA Today-CNN poll, 69 percent of the American people favored military action with the support of Congress; only 37 percent favored military action if Congress opposed the move. It is also important to point out that 79 percent of the American people support the use of force if it were supported by the United Nations; only 37 percent favored action without United Nations support.

This is not a minor point. This administration did not want to come to Congress; and then, when it decided to do so because—frankly, they understood the views of the American people—they sent over a resolution which was the most incredible blank check I have ever seen. Its provisions basically said that even if Iraq complied with inspection and dismantlement, the administration could still go to war if Iraq failed to provide documentation, for example, on Kuwaiti POWs or because of its illicit trade outside the Oil-for-Food Program. Those issues certainly need to be addressed. There are very few people—I don't know of any—who believe those reasons should be enough to send our men and women and our bombs to Iraq.

In addition, the original resolution gave the President the authority to use force not only in Iraq but in the entire

region. When those in Congress—mostly Democrats but some Republicans, too—said we needed to deliberate on this important issue, take time to debate it and discuss it and ask questions, we were hit by a barrage of criticism from the Republican leadership and immediately the issue was made political.

Representative TOM DAVIS, Chairman of the National Republican Congressional Committee, said:

People are going to want to know before the election where their representatives stand.

Now, despite this pressure, I am proud to say my colleagues are not sitting back. We are going to fulfill our obligations under the Constitution. We are fulfilling our obligations to debate war and peace. We are not allowing this administration to ignore our views, our opinions, and our heartfelt concerns about America's sons and daughters and the innocent victims of war.

While there are some in the administration who believe taking up the Iraq issue now will hurt Democrats, I am not so sure. I am not so sure the American people want us to roll over and be silent on this. I am not so sure the American people don't want us to see it as our duty to check and balance this administration. Already, because of our voices, the resolution offered by the President has been changed. In my view, it is still a very blank check for war with Iraq. I certainly cannot support a blank check. I think it is an affront to the people of this country to do that. Originally, it was an even blander check, allowing the President to go to war anywhere in the region.

The role of checks and balances that we play is already evident. I know that. I also know in the greatest country on the face of this Earth, in the country that is great because of its middle class and its productivity, in that country, in our country, it is necessary to not only deal with the issue of Iraq, to deal with the issue of terrorism, to protect our people when they fly in an airplane or walk past a nuclear plant or a chemical plant or cross a bridge, it is also important to deal with the impact of this administration's economic record: The worse stock market decline in 70 years, the worst economic growth in 50 years, the greatest loss of jobs in the private sector in 50 years, and the threat that people feel from retirement insecurity and job insecurity, runaway health care costs, and a falling median income.

Now, there are those who say the administration is bringing up Iraq now to avoid scrutiny from this volatile and miserable economy. There have been memos that show this to be their strategy. There have been anonymous statements to this effect. And whether that is true or not, I leave to the American people. I trust the American people to look at this.

We must take care of the security of the American people. Economic secu-

rity is part of that. I believe this administration is AWOL in this regard. As we deal with foreign policy challenges, we Democrats will insist we deal with domestic challenges, too. And again, let the people decide if they agree with us or not.

This I will also say clearly: We are told constantly that the President has not decided yet whether he wants to go to war with Iraq. We hear it over and over. I sit on the Foreign Relations Committee. I am proud to sit on that committee. I chair the terrorism subcommittee. Recently, Colin Powell said to us in an open hearing:

Of course the President has not made any decision with regard to military action. He's still hopeful for a political solution, a diplomatic solution.

Secretary Rumsfeld said:

The President's not made a decision with respect to Iraq.

National Security Adviser Rice said:

The President has not made a decision that the use of military force is the best option.

Ari Fleischer, the press spokesman, makes that same statement day after day after day.

I ask, if the President hasn't decided to go to war yet, if the administration has not decided to go to war yet, if the military has not been told there is going to be a war, then why is the President coming to Congress now, before he has made a somber decision, and before he has answered many key questions?

If our questions could be answered, the many questions we have, it would be one thing. However, I want to say unequivocally that the myriad of questions I have asked have not been answered.

In good conscience, how can I vote to take our country to war alone, which is what the President wants from us, without allies and without the facts that I need to fulfill my responsibilities to the people of California.

Madam President, you know my State very well. We have more than 30 million people. Out of the 880,000 reservists in the military, 61,000 are from California. I owe them the best decision I can make. Those reservists, as Senator INOUE has pointed out, many of them have families. At times you will have a wife and a husband called up to go into the danger zone. I need my questions answered before I could vote to send this country, alone—alone—into battle.

Here are the questions I have asked in one forum or another. Here are the questions that I either do not have answers to or the answers I have are incomplete. If we give the President the blank check he is asking for, which I will not vote for, if we give him the go-it-alone preemptive strike authority, which I will not vote for, then I think those who are considering voting for that ought to ask these questions. I will lay them out.

How many U.S. troops would be involved?

What are the projected casualties?

Would the United States have to foot the entire cost of using force against Iraq?

If not, which nations will provide financial support?

Which nations will provide military support?

What will the cost be to rebuild Iraq? How long would our troops need to stay there?

Would they be a target for terrorists?

What will the impact be on our fight against terrorism?

Will Iraq use chemical or biological weapons against our troops?

Will Iraq launch chemical or biological weapons against Israel?

How will Israel respond?

What impact will that have?

How will we secure Iraqi chemical and biological weapons once the fighting starts?

How do we make sure such weapons do not get into the hands of terrorists or terrorist nations?

How do we make sure that Iraqi weapons experts, from Iraq, do not migrate to terrorist organizations or terrorist states?

Have we given enough thought to alternatives to avoid war?

Why haven't we worked with the United Nations to try Saddam Hussein as a war criminal? He is a war criminal.

During the Foreign Relations Committee hearing with Secretary Albright, I raised the idea put forward by the Carnegie Endowment on coerced inspections. Has this or a similar idea been pursued?

If we are concerned about Saddam Hussein acquiring weapons of mass destruction, why are we not fully supporting the Nunn-Lugar weapons dismantlement program?

I do not doubt that Iraq is up to no good. I know they are. That is why I voted for the Iraq Liberation Act. We know that Iraq has biological and chemical weapons and that they used them against Iran and against its own Kurdish minority. We know that following the Persian Gulf war, Iraq promised to abide by the demands of the U.N. but failed to live up to its commitment. They have not allowed unfettered inspections. They have lied about chemical and biological weapons programs. And they continue to seek the capability to produce nuclear weapons.

I do not doubt that there are some members of al-Qaida in Iraq. But there is al-Qaida in Syria. There is al-Qaida in Africa. There is al-Qaida in Pakistan and in Afghanistan. There are cells in 60 nations, including the United States of America.

The fight against bin Laden and his organization must not be weakened. I want to quote what the head of our Senate Intelligence Committee, Senator BOB GRAHAM, has to say about this. You and I know he is not a man of overstatement. He said:

At this point I think Iraq is a primary distraction from achieving our goals of reducing the threat of international terrorism.

Listen to what Wesley Clark has said. He headed our NATO troops.

Unilateral U.S. action today would disrupt the war against al-Qaida.

Despite statements by staff to the contrary, the President appears to want to go it alone in war when we are already in a war. According to the President, we are in a war, one that will require all of our wits and lots of our treasure, both in human capital and in tax dollars.

I do not think it is enough to be critical of this blank check resolution the President is supporting. I want to say how I would approach this question. Iraq must be held to its word, as expressed in U.N. resolutions, that it will submit to thorough inspections and dismantlement of weapons of mass destruction, period.

Let's repeat that. Iraq must be held to its word that it will submit to thorough inspections, unfettered inspections, and dismantlement of weapons of mass destruction, period. That is what they agreed to. They signed on the dotted line to do it. And that is what must happen. Those were United Nations resolutions, and we must work for an updated resolution ensuring that such unfettered inspections do take place or there will be consequences. These weapons are a threat to the world, and the world must respond. I believe if we handle this right, the world will respond.

But if our allies believe we have not made the case, if they believe this is a political issue here, or if they believe it is a grudge match here, or if they believe that the whole thing is being manipulated for domestic political reasons, I believe that will hurt our Nation. I believe that will isolate us. I do not think that is a good path for our country.

Can we rule the world with our weapons and our guns and our might? I am sure we can. I know we can.

Can we win every military confrontation that anyone could ever imagine? Yes. We can.

But I believe the greatness of our Nation has been built on other things: The power of our persuasion, not the power of our arsenal; the power of our ideals, not the power of our threats; the power and greatness of our people, not the power and the greatness of our machines.

America at her best has been seen as a beacon of hope, not fear; an example not of "Might makes right," but "Might backing right." What is right at a time like this? I believe it is laying out a path for peace, not just a path for war; trying everything we can to avoid chaos and devastation to our own and to innocent civilians who may well be used as pawns in urban warfare.

I believed that Madeleine Albright, the former Secretary of State under President Clinton, and Dr. Henry Kissinger laid out a path for peace when they spoke before the Foreign Relations Committee. They talked about unfettered inspections and dismantlement

of weapons of mass destruction. As they said, and I agree, it will not be easy. Maybe it will be impossible. But there is no doubt in my mind that we should lay out that path and try for complete, unfettered inspections, with nothing off limits, to be followed by dismantlement of those weapons.

For those who say it will never work, maybe they are right. But we have never pulled the massive trigger of our weapons on a nation that has not attacked us first. At the least—at the least—we should see if we can exhaust all other options.

That is why I support the chairman of the Armed Services Committee, Senator CARL LEVIN, and his resolution that will be introduced. This is what it does:

No. 1, it urges the United Nations Security Council to quickly adopt a resolution that demands immediate, unconditional, and unrestricted access for U.N. inspectors so that Iraq's weapons of mass destruction and prohibited missiles will be destroyed.

No. 2, it urges this new U.N. Security Council resolution to authorize the use of necessary and appropriate force by U.N. member states to enforce the resolution if Iraq refuses to comply.

No. 3, it reaffirms that, under international law and the U.N. Charter, the United States has the inherent right to self-defense.

No. 4, it authorizes the use U.S. Armed Forces pursuant to the new U.N. Security Council resolution that deals with weapons of mass destruction.

In closing, let me say very clearly that I will not vote for a blank check for unilateral action. I also will not vote for a resolution that is dressed up to look like Congress has powers when, in fact, all the words really call for are consultations and determinations.

That is when Senator BYRD said "pretty" words. He said, "Pretty, pretty, pretty words." Sounds good—consultations and determinations. What does it really mean? Nothing. It means the administration tells us what they think. We already know what they think.

To me, consultations and determinations without a vote by Congress are like a computer that is not plugged in. It looks good, it looks powerful, it looks impressive, but it does nothing.

I didn't come to the Senate for the title. I didn't come to the Senate to debate meaninglessly on the Senate floor. I didn't come to the Senate to do nothing. I didn't come to the Senate to run away from a hard vote. I came to uphold the duties of my office. I came to represent the people of California.

In the past 4 years, I have voted to use force twice—once against Milosevic to stop a genocide and once after September 11 when we suffered a barbarous attack. But, in this case, if any President wants to go to war alone or outside the type of coalitions we have built for the war on terror, or the last Persian Gulf war, then let him come to the American people, through the Congress for another debate and a vote.

It is one thing to go with a coalition. It is one thing to determine that we will be part of a multinational force. It is another thing to do it alone, without a specific vote of the Congress before the President has decided to do so. As I have said, his aides keep telling us he has not made the decision. So why do we have to give him a blank check today? If he wants to go it alone, if he wants to send my people to a place where we don't even know if chemical or biological weapons will be used, we don't even know what the estimates of casualties are, we don't even know what it is going to cost, we don't even know how long we are going to have to stay there, we don't know what will happen if Israel responds—we don't know so many things—I don't think it is asking too much to ask my colleagues to support a resolution by Senator LEVIN. He said that if he wants to go it alone, then the President has to come back.

In the CARL LEVIN resolution, it is implicit that he must come back if he wants to go it alone. CARL LEVIN's resolution authorizes force as part of the U.N. enforcement action to dismantle Iraq's weapons of mass destruction. But again, if the President wants to go it alone, he must come back to us.

I believe the people of my State expect me, on their behalf, to get my questions and their questions answered, not to engage in guesswork, and, above all, not to abdicate my responsibility as a Senator to anyone else. If our Founders wanted the President—or any President—to have the power to go to war without our consent, they would have said so. But, again, this is what our Founders said in article I, section 8: Congress shall have power to declare war.

Thank you very much, Madam President. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BOND. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WEST COAST PORT CLOSURE

Mr. BOND. Madam President, we have talked some about our fragile economy and the problems we are facing. Growth, which began slowing in 1999, coupled with the tragic impact of September 11, has resulted in hardship for many. We have seen unemployment, reduced value of market securities, more problems with health care, and other difficulties.

There are measures pending in this body I believe would do a great deal to help the economy. They are such things as passing a terrorism risk reinsurance bill, which could get our building trades back to work; passing an energy bill, which has the potential of employing more than three-quarters of

a million people, and securing our energy independence. We have not been able to work on those.

But now we face a further challenge, which is a self-inflicted attack on our economy by our own people; and that is the contract dispute which has closed the West Coast docks, providing a terrible bottleneck for crucial exports and imports.

This is the line of commerce: Trade going out, agricultural products being sold; inputs, goods coming into the United States; and it is shut down by this dispute.

Many Missouri constituents are asking us what can be done. Retailers are asking where their goods are for them to be able to make sales and continue to employ their people. Agricultural producers, who have meat for export rotting on their docks, are saying something must be done.

According to the Wall Street Journal, goods valued at more than \$300 billion move annually through these ports. According to the New York Times, these ports handle half the Nation's imports and exports. Further estimates are that this shutdown could cost our economy \$1 billion per day and grow further as the shutdown continues to \$2 billion per day. The longer it goes, the worse it gets. Regrettably, the State of Missouri has the highest unemployment growth rate in the Nation, and we cannot afford economic homicide of this nature.

This affects jobs upstream and downstream throughout the entire economy. It affects truckers and railroad workers and farm workers and retail clerks and consumers and others. These are real workers who are real people and have real families. They are hurting.

I am not an expert on the specific grievances of these several hundred workers and their unions and the employers at the docks, but this major facility is nothing to toy with. I don't care if the grievances are moderate or petty, it is not worth the harm that could be done to thousands of other working people and our economy. The parties have to be brought together. One would think that workers reportedly earning \$106,000 per year for less than 40 hours a week could resolve the grievances on the job without hurting other workers in my State who earn far less. While they sit on their chairs at the docks, people around the country are the ones suffering. This power play will have too much collateral damage to be allowed to continue.

One company, National Cart Company, in St. Charles, MO is a manufacturer that employs 140 people. They manufacture material handling equipment and rely on some components from Asia. This is the busiest time of their year because their customers need their products to stock shelves for Christmas. Unless this is resolved, they will be laying off workers in 2 weeks or slightly more.

Another company, TRG, located in St. Louis, with 80 employees, can't

stock their shelves with recreation and travel accessories that they sell. When they shut down, their employees are out of work.

Another St. Louis company, Donelly and Associates, manufactures telecommunications products. They only have seven employees, but if they do not get supplies in a week to 10 days, they will shut down, and those workers will be laid off. The president of that firm told my office that for every day the supply is disrupted it takes as many as 5 days to get it back on line. He told us that the airlines have already stopped taking bookings out of Asia.

Another plant manager from Magnet LLC in Washington, MO said they are unable to get supply, and he predicts that if this is not resolved, they may be forced to lay off workers in 2 to 3 weeks. They have 375 employees and are urgently trying to make product to satisfy Christmas demand.

There is a story in the Washington Post this morning about how people in Hawaii are stockpiling goods, and perishable food products are at risk of rotting on the docks. The retailers are trying to get winter and Christmas goods inventoried. Over 60 percent of beef exports and 50 percent of pork exports and one quarter of our chicken exports travel through these ports. Meat is rotting on the docks. Many freezers in the country are at capacity and inventories will become further backed up and prices will be depressed below levels that are already low.

Yesterday, according to the Los Angeles Times, "picketers tried to prevent a banana-carrying ship from leaving the dock, provoking a confrontation that brought out police in riot gear."

The Los Angeles Times has another story about how "the labor dispute is putting a strain on independent truckers who move port-related cargo." They quote a truck driver named Jose Louis Martinez who "doesn't care whether labor or management is to blame in the dispute * * * he cared only that the wallet he would bring home to his wife and two daughters would be empty for the third time in four days."

There are over 10,000 truckers—the majority of them independent—who normally make as many as three visits a day to the ports, according to the California Trucking Association. Burlington Northern-Santa Fe said it has suspended shipments of marine containers to all West Coast ports and grain to ports to Washington and Oregon.

I can't speak to the fairness of the labor negotiations, but I can speak to the unfairness of a few people being willing to injure many people to get their own way and to destroy a vital sector of our economy. I can't see how a dispute about bar code readers—they are objecting to bringing in bar code readers, things that they use in every supermarket I have been in, and most

retail stores—should cost the economy billions of dollars and intentionally throw people out of work. Frankly, my constituents don't understand the approach being taken, which seems to be: We will tear down everyone we can until we get our own way. I think it is outrageous. I think these matters should be resolved immediately. They should be resolved with the docks open for business.

This is extortion, where the hostages are ordinary working families, many of whom will never earn in any year as much as the dock workers earn in three-quarters of a year. If they were only hurting themselves, I would advise that we stay out of it and have at it. But they are dragging everyone else with them. Since when is the economic leader of the world closed for business? This is an outrage.

Here our President and his team are working vigorously to open foreign markets. We gave them the power. But why? So labor disputes can have export products rot on the docks? We can all have disagreements about whether raising taxes or lowering taxes will help our economy. I have some strong views on that. People in this body disagree with me. But one thing we certainly ought to be able to agree on is that a tactic of this nature is bad for the economy, bad for working families, and should be resolved yesterday.

I have asked the President—and sent a letter to him—to use his authority to intervene. I hope he will do that. I have read that some in this body object to his intervening. I know the President has agreed these people should get back to work. He expressed that view in strong terms and made mediation services available.

Working families in my State cannot wait. It is a terrible shame it would come to this. It is a shame that people haven't worked this out on their own, as they should. But our economy is too fragile for self-interested, shortsighted, and self-inflicted wounds of this nature.

I urge the President to take further steps to stop this dispute, to get commerce flowing, and to get people back to work. Whether it be truckers and railroad workers in California or retail clerks throughout the Nation or agricultural producers in our heartland or other industrial workers who are making products for export to the Southeast Asian market, they are being denied a livelihood because of a dispute over bar code readers, something that is not really that advanced a technology but is in use every day in stores we visit.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Madam President, I ask unanimous consent that I may speak as in morning business for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURNS. Madam President, I thank my good friend from Missouri

for his words today because they echo mine.

Today I sent a letter to the White House and the President asking him to intervene in this slowdown and lock-out, however you want to interpret it, of west coast ports. Today, 29 west coast ports, representing about half of our Nation's seaborne commerce, remain closed. Furthermore, we have another situation that complicates it. Weather conditions have temporarily limited the seaborne and other modes of commerce on the gulf coast due to Hurricane Lili. Our ability to export our goods or import our goods is quickly becoming paralyzed.

The latest attempt at renegotiation between the Pacific Maritime Association and the International Longshore and Warehouse Unions has stalled, and they have stalled based on protocol and the presence of security personnel.

Isn't that something? While they are arguing that in those negotiations, we are just coming through a crop year in my State of Montana, and already that is having an effect on us. I am also a little bit disturbed about the negotiations on salaries of \$110,000 to \$140,000 a year; they are on the table also. I want to give you a little comparison on why we are a little out of kilter here.

According to the USDA, the average farm operator household income is \$65,000 a year. I don't like averages. That is on-farm and off-farm income. I don't like to deal in averages because I know there are exceptions to the rule. Averages are like: If you have one foot in a bucket of ice and the other foot in the oven, on average, you ought to feel pretty good. That doesn't always work. The average farmer in my State makes around \$30,000 to \$40,000 a year. That is net. And they are forced—after we make the investment, put in our labors—they are forced to watch their yearly harvest sit while the longshoremen and management squabble about salaries that are sometimes two to three times the amount of their gross.

So I think it is about time that President Bush intervene. If the parties are unable to negotiate a compromise by the end of this week, it is time to take action before they do too much damage to our national economy, and particularly those people who are impacted by a stalemate at our ports. The President can invoke the Taft-Hartley Act to resolve this matter. According to law, a Taft-Hartley injunction can be invoked if "a threatened or actual strike or lockout affecting an entire industry, or a substantial part thereof, engaged in trade, commerce, transportation, transmission, or communications among the several States, or with foreign nations, or engaged in the production of goods for commerce will, if permitted to occur or to continue, imperil the Nation's health and safety."

What it does, basically, is allow for a cooling-off period while workers go back to the ports and commerce is allowed to continue. It gives the negotiators this time to work out a com-

promise. An agreement is necessary, and the President does have the power to impose that agreement. Economic consequences have the potential to injure workers, employers, and consumers alike.

The crisis is costing the U.S. economy up to \$1 billion a day and will affect the economy that is struggling to grow. If you can imagine, fruits and vegetables and other perishables rotting at the ports—those coming in, and those to be exported. My good independent trucker friends are sitting around just letting their trucks idle, waiting for work. The alternative, such as air freight, is limited due to capacity and also security issues. Auto manufacturers are waiting on parts and components. One manufacturer has announced closure of its California plant.

Of course, the retail impact is immeasurable, considering that right now all the goods and services are moving for the upcoming holiday season. The west coast labor crisis is no longer about "the rights of workers" or "management negotiating philosophy." It is about American prosperity and protecting the principles of commerce for this Nation.

If this shutdown is allowed to go on at the west coast ports, there is no doubt about the impact it will have on my State of Montana. It could not come at a worse time. Because of drought, and droughts in other countries, and a little bit of a shortage, wheat prices have gone up approximately \$2 higher than we have had in the last 5 years. In 5 years, this is the first time we have had a market—any kind of a market. And 90 percent of what we produce in my State is marketed in huge volumes, and it goes for export. The timing of this price advance is particularly fortuitous in light of the economic effects of a 4-year drought along with it. However, the labor crisis has already led to an 8-cent to 12-cent drop in that market just since Sunday.

We are feeling the effects in another way. What about my railroaders? Earlier this week, Burlington Northern and Union Pacific Railroads announced an embargo on all grain movements to the west coast of the United States, citing overcapacity and lack of storage.

The net effect of those embargoes, again, will lead to overcapacity in grain storage facilities in my State of Montana. It is harvest time, folks, and this is the first time we have had a market, whenever the grain is ready. In other words, it is harvested and ready to roll, and it is ready to be shipped. Furthermore, right behind it, we are less than 30 days away from the corn harvest season; that will be in its peak.

Grain car shortages will force farmers to find alternative storage capacity or leave their wheat on the ground exposed to the elements. We have seen that before. Even if the lockout concludes this week, the residual impact

will lead to several weeks, possibly months, of delay in the movement of those products to our major ports. Even those who have sold their grain will not be able to deliver against their contracts and, more importantly, the income from that delivery is needed at this time of the year. This is the time we make our land payments. This is the time we pay our taxes.

There is another aspect involved. We have spent hundreds of thousands of dollars in developing the Asian and other Pacific markets, on which we have to compete with our friends in Canada and Australia. We can do that for the simple reason that we have always been a reliable source. They can count on us not only for volume but also quality. We are jeopardizing that market development.

So this is our opportunity, in normal times, to recapture some of those major exports that we lost over the last 2 or 3 years. We can do it. The only thing that is holding us back is this squabbling over salaries of \$90,000 to \$140,000, which are triple that of my average farmer in Montana. We are able to take advantage and recoup from years of drought, and it all could be lost with our inability to export.

An extended work stoppage or slowdown by the west coast port workers, who enjoy some of the highest pay rates in the country, is already having its effect. Our shoes are getting a little tight. Grain millers of the world are coming to the United States for their supply, and they are denied delivery.

In my letter to the President, I laid out that this is no longer a standard labor-management negotiation. It has become the groundwork for a potentially grave economic slowdown that will jeopardize consumer confidence and our national commercial infrastructure.

Who says one little group cannot impact an economy that is suffering and trying to dig itself out of a 5-year hole?

I hope the President takes note of the letter. I know Senator BOND has sent a letter to the White House asking the President to intervene and use the Taft-Hartley law with which to do it.

I thank the Chair, and I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. CARPER) The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I ask unanimous consent to speak on a matter other than the Department of Justice authorization bill but the time continue to run under the cloture rule.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEMBERS' PAY RAISE

Mr. FEINGOLD. Mr. President, I had the opportunity to speak last Thursday night with regard to the issue of the possibility of war with Iraq. I am, of course, listening carefully to my colleagues as they discuss the prospect of war. Nothing could be more serious, and I am pleased this body will be engaged in this matter in earnest.

The public nature of that debate stands, though, in great contrast to another matter. While the country is focused on whether or not to go to war, Members of Congress will once again be quietly sidestepping the issue of their own pay raise, an evasion that is made all the more inappropriate by the very fact that we may be on the brink of war.

The cloakrooms have advised their offices that we are likely to consider another continuing resolution this week, and there is speculation that we are not likely to consider the individual appropriations bills that remain before we adjourn for this year.

I raise this because there is increasing reason to believe that this body may not be able to consider the scheduled Member pay raise. Current law provides Members with an automatic pay raise without a debate or a vote, a stealth pay raise. The pay raise scheduled for January 2003 will be about \$5,000. It follows automatic pay raises in January 2002, January 2001, and January 2000. Altogether these pay raises for Members of Congress, four pay raises in the last 4 years, total \$18,000.

The current system of stealth pay raises is already inaccessible, and the current legislative position of the body makes it even more so. We are unlikely to consider the Treasury-Postal appropriations bill, which is the traditional vehicle for amendments to stop the Member pay raise, and we may not consider other amendable vehicles.

Members who favor the scheduled pay raise should not be comforted by this. Congress is not going to sneak this by without anyone noticing, nor will it be lost on the average citizen that Congress is allowing this to happen on what may be the eve of war.

In his more recent volume on the life of Lyndon Johnson, Robert Caro recounts similar events early in World War II.

He writes:

During the war's very first months, while an unprepared America—an America unprepared largely because of Congress—was reeling from defeat after defeat, a bill arrived on Capitol Hill providing for pensions for civil service employees. House and Senate amended the bill so that their members would be included in it, and rushed it to passage—before, it was hoped, the public would notice. But the public did notice: the National Junior Chamber of Commerce announced a nationwide Bundles for Congress program to collect old clothes and discarded shoes for destitute legislators. Strict gasoline rationing was being imposed on the country; congressmen and senators passed a bill allowing themselves unlimited gas. The outrage over the pension and gasoline “grabs” was hardly blunted by a hasty congressional reversal on both issues. Quips about Congress became a cottage industry among comedians: “I never lack material for my humor column when Congress is in session,” Will Rogers said. The House and the Senate—the Senate of Webster, Clay, and Calhoun, the Senate that had once been the “Senate Supreme,” the pre-eminent entity of American government—had sunk in public estimation to a point at which it was little more than a joke.

Mr. President, let's not let history repeat itself. I call upon the leadership

to ensure we have a debate and a vote on the scheduled pay raise. I am willing to accept a very short time limit, understanding the very important business we have, 20 minutes equally divided, even 5 minutes equally divided. This will not take long. But the public is entitled to a debate and a vote.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, for the benefit of all Members, we expect to have a vote in the next hour, hour and 15 minutes on the motion to invoke cloture. We hope to have a voice vote on the conference report that is before the Senate. I, therefore, ask unanimous consent that the Senator from Arizona, Mr. KYL, be recognized to speak postcloture for up to 1 hour and he can speak on any subject he desires; following that, the two leaders will be recognized, Senator LOTT and then Senator DASCHLE, and then we will proceed to a vote on a cloture motion.

I ask unanimous consent for Senator KYL, but I am alerting Members, following that, Senators LOTT and DASCHLE will speak, and then we will vote on the cloture motion.

I ask the Chair to approve my unanimous consent request regarding Senator KYL.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Senator KYL is in the building and will come to speak shortly. After that, the two leaders will appear, and we will vote.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I thank the assistant majority leader for his courtesy. I wish to address a matter that is not directly related to the conference report before us, though there is some indirect relationship to it. I assume I do not have to ask unanimous consent.

The PRESIDING OFFICER. Unanimous consent has already been granted.

Mr. KYL. I thank the Chair.

USE OF FORCE AGAINST IRAQ

Mr. KYL. Mr. President, we have really already begun the debate on a resolution to authorize the use of force against Iraq if the President deems it necessary. Several Members have come to the Chamber and spoken about the issue. We are going to begin that debate formally sometime this evening, I believe, and it will continue on through Friday, Monday, and then shortly thereafter we will be voting on this important resolution.

As with the debate 11 years ago when force was authorized and we repelled Saddam Hussein's invasion of Kuwait, Members of both bodies discussed the issue at a level, frankly, that we are unaccustomed to doing. When we are making a decision to send our young men and women into harm's way, when we are literally authorizing war, I think a degree of seriousness begins to pervade all of our thinking. We address these issues with the utmost of serious-

ness because we are aware of the consequences, and they deserve no less, and our constituents and our military deserve no less than that degree of consideration.

When we debate this issue, we will find there are good arguments on both sides of the issue, and I realize there will be different nuances, so it is not as if there are just two sides to the debate. But at the end of the day, we are going to have the question before us: Are we going to authorize the use of force?

There will be some alternatives before us. That debate needs to be based upon the very best information, the very best intelligence, the very best analysis we can bring to bear, and it also has to be based upon a good relationship between the legislative and the executive branches because in war we are all in it together. We have to cooperate. We have to support the Commander in Chief.

The last thing we would ever do is to authorize the Commander in Chief to take action and then not support that action. Our foes abroad, as well as our allies abroad, need to know we will be united once a decision is made, and we will execute the operation to succeed, if it is called for.

I am very disturbed at the way that part of this debate is beginning, and that is what I wanted to speak to today. There has been an effort by some to broadly paint the administration as uncooperative in sharing intelligence information with the Senate, and more specifically the Senate Intelligence Committee.

I have been a member of the Senate Intelligence Committee now for almost 8 years, and I have been involved in the middle of a lot of disputes about information sharing. When we are sharing information about intelligence, those issues are inevitable, just as they are sometimes with law enforcement. In our democracy, these become very difficult decisions because we are a wide open country. We tend to want to share everything, but we also recognize there have to be a few things we cannot share with the enemy, and the lines are not always brightly drawn. Sometimes the executive branch and the legislative branch get into tiffs about what information should be shared, what information cannot be shared. Again, reasonable minds can differ about the specifics of those issues, but what has arisen is a very unhealthy war of words about motives and intentions, and we need to nip that in the bud today.

I read a story in the New York Times reporting on a meeting of the Intelligence Committee, which I attended yesterday in the secure area where the Intelligence Committee meets, under strict rules of classification. We were briefed by two of the top officials of the intelligence community about matters of the utmost in terms of importance and secrecy, and yet there is a three-page story in the New York Times which discusses much of what was discussed in that meeting, without ever

attributing a single assertion or quotation. There is no name used of anybody who was in that room, and so we do not know exactly who it was who went to the New York Times and talked about what went on in our meeting.

I am not suggesting classified information was leaked. I would have to have an analysis done to determine whether anything in the article was actually classified information. What was discussed was a purported dispute between our committee and the executive branch about the release of certain information and the preparation of certain reports. I will get into more detail about this in a minute.

Obviously, somebody from the committee, a Member or staff, went complaining to the New York Times and spread, therefore, on the pages of this paper a whole series of allegations about motives and intentions of the Bush administration relating to the basis for seeking authority to use force against Iraq, if necessary. This is exactly what will undercut the authority of the President in trying to build a coalition abroad as well as in the United States, and it is the very people who demand the President achieve that international coalition before we take action who are the most exercised about what they perceive to be a slight from the administration and who, therefore, are being quoted in this story.

I do not know the names, but there is a limited universe of people involved. I am going to go over this article in fine detail just to illustrate my point.

One of the sources cited in the story is a congressional official. I will quote the entire sentence.

One congressional official said that the incident has badly damaged Mr. Tenet's relations with Congress, something that Mr. Tenet has always worked hard to cultivate.

Mr. Tenet is George Tenet, the director of the CIA. Sometimes I agree with Mr. Tenet and sometimes I do not agree with Mr. Tenet, but I believe Mr. Tenet has the best interests of the United States of America at heart when he is working with the President and Congress to present information and develop the appropriate approach to the use of force, if that is necessary.

My point was this, though: The article quotes one congressional official. What is a congressional official? It is either a Member of the Senate or the House of Representatives—though no Representatives were in this meeting; it was just a meeting of Senators—or it is a staff person hired by the Senate.

I find it interesting the article quotes a congressional official.

Most of the article quotes congressional leaders, Government officials, or lawmakers. Either a Member of the Senate or a member of our staff talked to the press about what went on in the meeting and did so in order to damage, or to call into question, I should say, the relationship between the Senate and the executive branch, and to ques-

tion whether the administration was being cooperative with the Senate in providing information.

Let me discuss this in detail now. The central theme is identified in the first line of the story:

The Central Intelligence Agency has refused to provide Congress a comprehensive report on its role in a possible American campaign against Iraq, setting off a bitter dispute between the agency and leaders of the Senate Intelligence Committee, congressional leaders said today.

Those are Senators—not staff but congressional leaders. Only Senators were in the meeting. So some Senators said the CIA had refused to provide us with a comprehensive report on the agency's role in a possible American campaign, and this set off a bitter dispute between the CIA and leaders of the Senate Intelligence Committee.

Leaders of the Senate Intelligence Committee would be probably two people, the chairman and ranking member. Mr. SHELBY, the ranking member, the Senator from Alabama, will have to speak for himself. The chairman is Senator GRAHAM from Florida. I suggest they need to clarify what their view is with respect to this story.

In the first place, it is not true the Central Intelligence Agency has refused to provide us with the report described in the story. There were two reports requested. As the article discloses, the first report has been provided. It was done at breakneck speed. It has to do with Iraq's capabilities; what kind of chemical and biological weapons does Iraq really possess; how far along is it in developing its nuclear capability; what means of delivery does it have; and a host of other questions that were put to the intelligence community. It is obviously important for us to have the answers to those questions before we take action.

The reality is the information was all there. It had simply not been put together in one report, as the committee requested. What we requested was something called a national intelligence estimate. A national intelligence estimate is not requested by the Congress. A national intelligence estimate is ordinarily requested by the President or the National Security Council, and it is essentially a document which is supposed to analyze a particular country's or region's threat, or threat from weapons of mass destruction. It frequently takes a long time, up to a year, perhaps, to prepare. The purpose for it is to inform both the administration and others such as the Congress that would be dealing with the issues, but it is not intended to be an operational document; that is to say, to be integrated in operational military plans. Nevertheless, even though this is not the normal way the document would be prepared, the agency people worked overtime to produce, in a matter of several days, a very thorough report. About 100 pages in length was produced in about 3 weeks, according to the story, under very tight deadlines.

It was presented yesterday. Most of the information had been presented before in a different way. But it was put together in one package.

Leaders of the committee expressed their outrage that Director Tenet was not there in person to testify. He was with the President at the time. The two people who briefed us were very top officials of the intelligence community who probably knew more on a firsthand basis what was in the report even than Director Tenet. Some Members did not want to ask them questions but wanted to wait for Director Tenet to arrive, a pretty petulant attitude when we are trying to seriously address questions of war and peace.

The information was before us. No one questioned the veracity of the information. We had a good hearing in discussing the various elements. That was one of the reports. There was complaining it should have been earlier, it should have been done more quickly. As pointed out, ordinarily these are the kind of reports that usually take a year to put together; it was done in a matter of 3 weeks. Under the circumstances, the community is to be complimented.

The other report requested had to do with the role of the intelligence community in military operations, potential military operations against Iraq. In effect what was being asked, if we take forcible action against Iraq, and any aspect of the intelligence community is used in those operations, what is it likely to be? What is the likely response going to be? How effective do you think it will be? That is what the article means, in the first sentence, when it talks about a comprehensive report on its role in a possible American campaign against Iraq.

The intelligence community, wisely, has a standard policy against doing analyses of U.S. action that is not overt and tied to military operations. We do not know our military plans for military action against Iraq if it were to come. Only the President and a handful of people involved in those plans know what they are. Thank goodness for that. There is so much leaking in this Government—both at the executive branch level and the legislative branch level—it would be folly in the extreme for operational plans to be discussed broadly before an operation begins or during the operation, for that matter. That is why we do not present that kind of analysis to anyone. Members of the Intelligence Committee ought to know that and ought not to feel slighted because it was not presented to us and because it will not be presented to us. That kind of information would be directly related to the plan of attack that the President may eventually approve.

We know our leaders get called just before an operation begins and once it is begun, we begin to get information about how we will conduct the operation. But can anyone reasonably believe the plans of our military and intelligence community, in cooperating

with some kind of action, should be put in a document and released to the Congress, even in classified form? If this article is any indication, it would be 1 day before it would be in the newspaper. We cannot do that, putting at risk the lives of the men and women we may send in harm's way.

One success in the Afghanistan operation was the fact that we were able to combine good intelligence with military capability. Without going into a lot of detail, everyone appreciates the fact we were able to get assets on the ground from whatever source, providing information to our aircraft, for example, about very specifically where certain targets were. As a result of having that good intelligence, we were able to strike at the heart of the enemy, avoid for the most part civilian casualties, or collateral damage, and very quickly overthrow the Taliban government, and rout or capture a lot of the al-Qaida.

We do not know much publicly about the interrelationship between the intelligence community and the military, but we know they combined efforts to make this a successful operation. That is all most Members need to know.

We do not need to know in advance of a military operation how the intelligence community is going to be integrated with the military in conducting this campaign, what they are each going to do, and what the enemy might do in response and so on.

The article itself alludes to this when it talks about the ordinary purpose of a national intelligence estimate. But intelligence officials say a national intelligence estimate is designed to assess the policies of foreign countries, not those of the United States. I quote:

"They were asking for an assessment of U.S. policy, and that falls outside the realm of the NIE and gets into the purview of the Commander and Chief," an intelligence official said.

That is correct. So there was a misunderstanding of what a national intelligence estimate was, on the first part; second, the request for the information went far beyond what the administration should have been asked to provide and what it could provide. Yet Members of the committee were indignant that the administration had stiffed the committee, had stonewalled, had refused to provide this information.

We have to engage in a serious debate about a very serious subject in a relatively objective way. We all bring our biases and prejudices to the debate. But one thing that should be clear to all of us is that the thing that is paramount is the security of American military forces in the conduct of an operation. And that cannot be jeopardized by either the inadvertent or advertent leak of material that pertains directly to those military operations.

What was being requested here was wrong. And the administration was right to say: I'm sorry, we cannot give that to you. The debate should not be

adversely influenced by this unfortunate set of circumstances. We should decide whether we want to authorize force and what kind of force is authorized based upon the merits of the argument as we assess them.

No one here should be led down this path that says one of the reasons we should not act yet, or that we should deny the administration the authority is because they have stonewalled us. They have not given us information we need before we can make a judgment.

As a member of the Intelligence Committee, that is simply not true. There are briefings being conducted now—both in an informal way, very classified but informally, as well as formally—to Members of this body and the House of Representatives, to answer Members' questions about Iraqi's capabilities and intentions as we see them and our assessment of circumstances. I encourage all Members to get those briefings and to ask any question they can think of asking and to try to keep it up until the questions have been answered. Some perhaps may not be answered.

For the most part, they will learn of the primary reasons the President has decided it may be necessary to take military action against Iraq. What they will not learn, should not learn, and for national security purposes cannot learn, is how the intelligence community is going to be working with the military in the campaign should one be authorized. Those are operational plans that only the President and his military and small group of advisers can be aware of before there is military action begun.

There is other information in this news story that is inaccurate, in suggesting that there has been this huge tug of war between the committee and the CIA about getting information. In my own personal view, a lot of it has to do with lack of communication, lack of clear specificity about what was requested. I remember when the original request was made, it was a rather routine kind of request, certainly not the big deal that some members of the committee are trying to turn it into. Information was given orally about when it would be provided to us, and information was given orally about the fact that the military operations could not be discussed. Yet members of the committee seemed to be pretty upset about the fact that we had not gotten a formal letter from George Tenet laying this all out.

The members of the Intelligence Committee who were there apologized and said: If we had thought a formal letter was necessary or we could have gotten it to you sooner and didn't do that, we are sorry about that. But here are the facts. You wanted to know what the facts are, and here are the facts.

So I do not think we should be dissuaded from basing a decision on the merits of the case, one way or the other, however we decide to vote, on

the phony issue of whether or not somebody is providing us information or whether they got it to us soon enough or whether the head guy came down to testify as opposed to people directly below him.

As I said, he will be there to testify tomorrow in any event. This is all a smokescreen. It may be useful to some people who want to find some reason not to support the President other than simply outright opposition to taking military action. I understand that. There seems to be a popular view that most Americans want to take military action and politically people had better get on that bandwagon, so maybe people who do not really want to take that action have to find some reason, some rationalization, for not doing it.

But I really don't think that is right. I think a lot of American people are where most of us are. We would prefer not to have to take military action. We would hope to have a coalition of allies. We hope there will be some way to avoid this. But at the end of the day, if the President decides it is necessary, we are probably willing to go along and authorize the use of force.

There is nothing wrong with taking the position that at the end of the day we are not yet ready to make that decision and therefore not vote to authorize the use of force. If that is where Members come down and that is what they in their hearts believe, that is what they should say and that is how they should vote. But what they should not do is try to latch onto an artificial reason for saying no, predicated upon some perceived slight by the Director of the CIA or failure to provide information quickly enough or in exactly the form they wanted it or most certainly on the grounds that the intelligence community has not provided the kind of information about operations of the intelligence community that they would like to get. That information should not be provided, and nobody should base a decision here on the failure to obtain that information.

Let me just speak a little bit more broadly. I will ask unanimous consent that at the conclusion of my remarks this particular article be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. KYL. A lot of people are approaching this issue on the basis that there has to be some demonstration that, in the relatively near future, Saddam Hussein is going to use a weapon of mass destruction against us or else this is not the time that we should take military action against him. That is a rational position to take, in a way. If you do not think that there is a real threat or that it is imminent, you could reach the conclusion that we should not engage in war, or at least ought to be continuing to try to engage in diplomacy or whatever.

But there is another side to the coin. It is the way the President has chosen

to look at it. I think, because he has chosen to look at it this way, he will go down in history as a very prescient leader.

Noemie Emery, who is a fine writer, in an article in a periodical a week ago, observed that most Presidents have had to fight a war but only two Presidents have had to perceive a war. Harry Truman perceived the cold war. He instinctively knew at the end of World War II, when the Soviet Union was beginning to assert its power in regions of southern Europe, for example, and elsewhere, that it was important for the United States and other Western allies to stand and say no to the further expansion of the Soviet Union and communism, even though that was going to mean a longtime confrontation with the Soviet Union which might even escalate into a hot war.

The Marshall plan to assist countries in southern Europe was a part of that perception, and we are well aware of all the other events that followed that. He perceived the need to stand and thwart the continued aggression of an evil power, and we are grateful to him for that.

Emery said the other President to perceive a war is George W. Bush. Of course, September 11, you can say, made that easy. But I submit it is not necessarily that easy. Over time, people will begin to wonder whether our commitment to a war on terror is really all that important if there are not further attacks. If we go another several months, hopefully even a year or two, without a major terrorist attack on the United States, will the American people continue to believe that this is a war worth fighting? Or was it a one-time-only proposition?

George W. Bush perceived the need to conduct a war on terror because he understood that from a historical point of view, over the course of the last dozen or 15 years, there had been a whole series of attacks against the United States or our interests, and when we in Congress Monday morning quarterback the FBI and CIA and say, "You failed to connect the dots," I wonder what those same people say about President Bush's understanding of the history leading up to September 11. He is connecting the dots between the Khobar Towers and the *Cole* bombing and the embassy bombings in Africa. You can even go back further than that, bringing it on forward all the way up to September 11. Does an event have to occur every 6 months for us to believe this is really a war worth stopping or worth winning and bringing to conclusion? I do not think so.

I think the President, when he said to the American people, we are going to have to be patient in this war, understood that we would have to be patient, that it could take a long time. I have been very gratified at the response of the American people in not being as impatient as we usually are as a people.

Americans love to get in, get the job done, and move on. That is a great

trait of Americans. But the President here is saying be patient. So far, I have been very impressed that the American people have been very patient. What the President has perceived, that not everybody has perceived, is that this is a struggle that has been going on for some time and it is going to continue in that same vein for as far out as we can see, unless we defeat terrorism.

So the wrong question to be asking at this time is: Can you prove that there is an imminent threat to the United States as a result of which we have to take military action against Iraq? That is the wrong question.

There are many fronts in this war on terror, from Lackawanna in New York where we get the six people who we think were connected to terrorism, to Tora Bora, Afghanistan, where we had to rout out members of al-Qaida; to Pakistan, where we are fighting remnants of al-Qaida; to places such as Yemen and Sudan and Somalia and the Philippines and Malaysia; Hamburg, Germany, where we have had to roll up al-Qaida operatives; and then other places in the Middle East where there is terrorism going on every day and when there are people such as Saddam Hussein building weapons of mass terror who would not be doing that, would not be spending the resources and trying to hide them, simply to play some kind of game. They are obviously serious people with evil intentions. I think everybody concedes that.

Then the question becomes: Why should you put the burden on the President to prove that at a particular time Saddam Hussein is going to strike the United States in order to conclude that we have to do something about him? It is the same kind of thinking as in the late 1930s, that, in retrospect, we look back on and say: Anybody could have realized that Hitler was somebody who had to be stopped. Why did Neville Chamberlain act so foolishly when he came back from Munich and said, "Peace in our time"?

I submit there are people today who are hoping against hope that Saddam Hussein will never use these weapons, weapons that are far greater than anything Adolph Hitler ever had in terms of their potential for destruction and death. I just wonder whether there are people who really believe we should wait until something specific and objective happens before we have a right to act, or whether preventative action is called for. Some call it preemption; some call it prevention. But the idea is that with war on terrorism you shouldn't have to wait until you are attacked to respond. That creates too many deaths, too much misery, and is unthinkable after September 11.

The President, based upon good intelligence, has concluded that Saddam Hussein has a very large stock of very lethal weapons of mass destruction. By that, we mean chemical agents and biological agents which have been or can be "weaponized"; that is to say, there are means of delivering those agents

that can cause massive amounts of casualties; that he has been working to acquire a nuclear weapon.

All of this is in open, public debate. And there is no doubt about any of it. The only doubt with respect to nuclear weapons is exactly where he is in the process. Of course, we don't know because he hasn't allowed us to inspect the places in his country where we believe he is trying to produce these nuclear weapons or, more specifically, the enriched uranium that would be a part of the weapons.

For 4 years now, we have had no inspectors in the country, and before that most of the information that we got was based upon information from defectors—people who came out of Iraq and told us: You guys are missing what Saddam Hussein is doing. This is where you need to look. This is what you need to look for.

When our inspectors then demanded to go to those places, one of three things happened. Either they said, no, you can't go there; that is a Presidential palace or whatever it is, or they went there and as they were walking in the front door satellite photos showed people running out of the backdoors with the stuff, or in the couple of cases we actually did find evidence of these weapons of mass destruction. Of course, at that point, Saddam Hussein said: Oh, that's right. I forgot about that. But whatever the defector said, that is all there is.

So he was confirming exactly what we already knew and gave us nothing more than that. Yet there are those who believe through some kind of new inspection process that we are going to learn more than we did before; that this will be an adequate substitute for going in and finding these weapons of mass destruction in an unrestricted way.

Saddam Hussein first said, You can have total access with no conditions, and he immediately began tying on conditions, the basis of which are laughable. You can't go into the Presidential palaces. They are grounds or areas with 1,000 buildings the size of the District of Columbia. We are going to send three inspectors in there? OK. There is the District of Columbia with all the buildings, and so on. Have at it.

We are not going to find anything. We are going to be running around for years. So inspections are merely a means to an end. They are not the end. The goal here is not to have inspections. The goal is disarmament. And we know from intelligence that he has certain things he has not disarmed; that he hasn't done what he promised to do—both to the United States and the United Nations; that he hasn't complied with the United Nations resolutions. In fact, we see his violation of those resolutions almost every day. We don't have inspectors in there anymore who he was harassing and precluding from doing their job.

But we do have aircraft flying in the no-fly zones and having American pilots and British pilots shot at every

month, necessitating our taking those SAM sites and radar sites out of action by military force. So, in a sense, this is unfinished business from the gulf war which has never stopped. At a low level we have been trying to enforce the resolutions ever since the end of the gulf war. Our effort to rid many of these weapons of mass destruction is but the latest chapter.

We made the decision in 1998 that Saddam Hussein had to go. We voted on a resolution here, and everybody was for it in 1998. If it was the right thing to do then, why is it no longer necessarily the right thing to do? He has had 4 more years to develop these weapons and to get closer to a nuclear capability.

We now have a group of terrorists in the world who we know talk to each other, help each other, and give each other safe passage and access and places for training, and so on. We are developing information on connections with these terrorists and the State of Iraq. All of this has happened in the meantime. But now, suddenly, it is not the time.

If we establish too high a burden of proof here we are going to be fiddling until we become absolutely sure it is time, and then it will be too late. That is why I believe the President is on the right track to say we don't know exactly when, where, or how but we know that this is a man who has very evil intentions and is working very hard to be able to strike at us. We can't let it happen. We can't wait until he has hit us to get him.

For those reasons, and a variety of others that I will be talking about, I believe it is important for us to go into this debate with a view towards supporting the President, and the action that he has called for publicly and in the resolution that he has negotiated with congressional leaders and which has been placed on the floor.

I believe at the end of the day we will conclude that the President should be supported and that we should authorize the use of force, and that we will have intelligence satisfactory for all of us to back up this resolution. And the final point—going back to the original point of my conversation today—that it is a phony issue to somehow demand that the intelligence community provide us with information to which we haven't been given access. We have gotten all that we need to have access to. Our Members have asked for that information, and they can get it. The only information that they can't get is information that should not be provided anybody, including you, Mr. President, myself, and the distinguished minority leader who now joins us on the floor.

I will have more to say later. I know the minority leader has some things he would like to say. At this point, I yield the floor.

EXHIBIT 1

[From the New York Times, Oct. 3, 2002]
C.I.A. REJECTS REQUEST FOR REPORT ON
PREPARATIONS FOR WAR IN IRAQ
(By James Risen)

WASHINGTON, October 2.—The Central Intelligence Agency has refused to provide Congress a comprehensive report on its role in a possible American campaign against Iraq, setting off a bitter dispute between the agency and leaders of the Senate Intelligence Committee, Congressional leaders said today.

In a contentious, closed-door Senate hearing today, agency officials refused to comply with a request from the committee for a broad review of how the intelligence community's clandestine role against the government of Saddam Hussein would be coordinated with the diplomatic and military actions that the Bush administration is planning.

Lawmakers said they were further incensed because the director of central intelligence, George J. Tenet, who had been expected to testify about the Iraq report, did not appear at the classified hearing. A senior intelligence official said Mr. Tenet was meeting with President Bush. Instead, the agency was represented by the deputy director, John McLaughlin, and Robert Walpole, the national intelligence officer for strategic and nuclear programs.

The agency rejected the committee's request for a report. After the rejection, Congressional leaders accused the administration of not providing the information out of fear of revealing divisions among the State Department, C.I.A., Pentagon and other agencies over the Bush administration's Iraq strategy.

Government officials said that the agency's response also strongly suggested that Mr. Bush had already made important decisions on how to use the C.I.A. in a potential war with Iraq. One senior government official said it appeared that the C.I.A. did not want to issue an assessment of the Bush strategy that might appear to be "second-guessing" of the president's plans.

The dispute was the latest of several confrontations between the C.I.A. and Congress over access to information about a range of domestic and foreign policy matters. Just last week, lawyers for the General Accounting Office and Vice President Dick Cheney argued in federal court over whether the White House must turn over confidential information on the energy policy task force that Mr. Cheney headed last year.

The C.I.A.'s rejection of the Congressional request, which some lawmakers contend was heavily influenced by the White House, comes as relations between the agency and Congress have badly deteriorated. The relations have soured over the ongoing investigation by a joint House-Senate inquiry—composed of members of the Senate and House intelligence committees—into the missed signals before the Sept. 11 attacks.

Mr. Tenet in particular has been a target of lawmakers. Last Friday, Mr. Tenet, a former Senate staffer himself, wrote a scathing letter to the leaders of the joint Congressional inquiry, denouncing the panel for writing a briefing paper that questioned the honesty of a senior C.I.A. official before he even testified.

A senior intelligence official said Mr. Tenet's absence at the hearing today was unavoidable, and that no slight was intended. The official said that he missed the hearing because he was at the White House with Mr. Bush, helping to brief other Congressional leaders Iraq. The official said Mr. Tenet had advised the committee staff several days ago that he would not be able to attend. Mr.

Tenet has promised to testify about the matter in another classified hearing on Friday, officials said.

One Congressional official said that the incident has badly damaged Mr. Tenet's relations with Congress, something that Mr. Tenet had always worked hard to cultivate. "I hope we aren't seeing some schoolyard level of petulance," by the C.I.A., the official said.

While the House and Senate intelligence oversight committee have received classified information about planned covert operations against Iraq, the C.I.A. has not told lawmakers how the agency and the Bush administration see those operations fitting into the larger war on Iraq, or the global war on terrorism, Congressional officials said.

"What they haven't told us is how does the intelligence piece fit into the larger offensive against Iraq, or how do these extra demands on our intelligence capabilities affect our commitment to the war on terrorism in Afghanistan," said one official.

Congressional leaders complained that they have been left in the dark on how the intelligence community will be used just as they are about to debate a resolution to support war with Iraq.

Congressional leaders said the decision to fight the Congressional request may stem from a fear of exposing divisions within the intelligence community over the administration's Iraq strategy, perhaps including a debate between the agency and the Pentagon over the military's role in intelligence operations in Iraq.

Defense Secretary Donald H. Rumsfeld has been moving to strengthen his control over the military's intelligence apparatus, potentially setting up a turf war for dominance among American intelligence officials. Mr. Rumsfeld has also been pushing to expand the role of American Special Operations Forces into covert operations, including activities that have traditionally been the preserve of the C.I.A.

Congressional leaders asked for the report in July, and expressed particular discontent that the C.I.A. did not respond for two months. Lawmakers had asked that the report be provided in the form of a national intelligence estimate, a formal document that is supposed to provide a consensus judgment by the several intelligence agencies.

The committee wanted to see whether analysts at different agencies, including the C.I.A., the Defense Intelligence Agency, the National Security Agency and the State Department, have sharply differing views about the proper role of the intelligence community in Iraq.

But intelligence officials say that a national intelligence estimate is designed to assess the policies of foreign countries—not those of the United States. "They were asking for an assessment of U.S. policy, and that falls outside the realm of the N.I.E., and it gets into the purview of the commander in chief," an intelligence official said.

Committee members have also expressed anger that the C.I.A. refused to fully comply with a separate request for another national intelligence estimate, one that would have provided an overview of the intelligence community's latest assessment on Iraq. Instead, the C.I.A. provided a narrower report, dealing specifically with Iraq's program to develop weapons of mass destruction.

Lawmakers said that Mr. Tenet had assured the committee in early September that intelligence officials were in the midst of producing an updated national intelligence estimate on Iraq, and that the committee would receive it as soon as it was completed.

Instead, the Senate panel received the national intelligence estimate on Iraq's weapons of mass destruction program after 10

p.m. on Tuesday night, too late for members to read it before Wednesday's hearing.

The committee had "set out an explicit set of requests" for what was to be included in the Iraq national intelligence estimate, said one official. Those requirements were not met. "We wanted to know what the intelligence community's assessment of the effect on a war in Iraq on neighboring states, and they did not answer that question," the official said.

A senior intelligence official said the 100-page report on Iraq's weapons of mass destruction program was completed in three weeks under very tight Congressional deadlines, and the writing had to be coordinated with several agencies.

The PRESIDING OFFICER. The minority leader.

Mr. LOTT. Mr. President, I believe in just a moment the Senate will be ready to move to completion on the Department of Justice authorization conference report.

Mr. President, I say to Senator KYL from Arizona, who has been speaking for the last several minutes, that I appreciate his speech and his very effective and diligent work. He cares an awful lot about national security, about our defense capability, and about our intelligence communities, and his position on what we need to do in Iraq. It is not easy being a member of the Intelligence Committee sometimes. It takes a lot of extra meetings, a lot of briefings, and an awful lot that you can't talk about. For a Member of the Senate, that is tough. But Senator KYL certainly does a good job in that effort.

ORDER OF PROCEDURE

Mr. REID. Mr. President, this unanimous consent has been cleared by both leaders. I ask unanimous consent that the yeas and nays be vitiated and that the conference report be adopted, without intervening action, motion, or debate; that the motion to reconsider be laid upon the table; that following adoption of the conference report, there be a period of morning business until 4:20 p.m.; that the time until 4:20 be divided between the majority and minority leaders, and that Senator DASCHLE have the last period of time to speak; that without any intervening action or debate, at 4:20, the Senate proceed to vote on the motion to invoke cloture on the motion to proceed to S.J. Res. 45.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The conference report was agreed to.

Mr. LEAHY. Mr. President, I commend the majority leader for filing cloture on the bipartisan 21st Century Department of Justice Authorization Act conference report. I regret that consideration and a vote on final passage on this important measure has been delayed. I had hoped this measure would have been considered and passed by the Senate last week, following House passage by a vote of 400 to 4 last Thursday.

Unfortunately, Members from the other side of the aisle threatened opposition to the motion to proceed to the conference report and they have re-

fused to proceed to vote on final passage of the conference report. All Democrats were prepared to pass the conference report last Thursday and then agreed to vote immediately, after limited debate earlier this week. Given the objection by the other side, however, to proceed to a vote or agree to a time agreement, the majority leader was required to file cloture on this conference report.

I do not understand why anyone would filibuster this conference report. This legislation is truly bipartisan. It passed the House 400 to 4.

The conference report was signed by every conferee, Republican or Democrat, including Senator HATCH and Representatives SENSENBRENNER, HYDE, and LAMAR SMITH.

I thank Senator HUTCHISON for coming to the floor on Tuesday to support this conference report. Senator HUTCHISON has spoken to me many times about the need for more judgeships along the Texas border with Mexico to handle immigration and criminal cases.

The conference report includes three new judgeships in the conference report for Texas, one more than was included in the bill reported to the Senate by the Senate Judiciary Committee and passed by the Senate last December.

I thank Senator SESSIONS for his statement on Tuesday in support of this bipartisan conference report.

Although he opposes Senator HATCH's legislation regarding automobile dealer arbitration, which enjoys more than 60 Senate cosponsors and 200 House cosponsors and was included in the conference report, Senator SESSIONS is supporting this conference report because it will improve the Department of Justice and support local law enforcement agencies across the nation. I appreciate Senator SESSIONS' work on the provisions in the conference report on the Paul Coverdell Forensic Sciences Improvement Grants and the Centers for Domestic Preparedness in Alabama and other States.

I thank Senator FEINSTEIN for her excellent speech earlier this week in support of this conference report. Senator FEINSTEIN has been a tireless advocate for the needs of California, including the needs of the federal judiciary along the southern border. She has led the effort to increase judicial and law enforcement resources along our southern border. I am proud to have served as the chair of the House-Senate conference committee that unanimously reported a bill that includes five judgeships for the Southern District of California. Long overdue relief for the Southern District of California could be on the way once this conference report is adopted.

Of course, our bipartisanship is evidenced by our included authorization for additional judgeships not only in California but in Texas, Arizona, New Mexico, Ohio, North Carolina, Illinois and Florida, as well. In essence, in the six and one-half years that they con-

trolled the Senate the Republican majority was willing to add only eight judgeships to be appointed by a Democratic President, and most of them were in Texas and Arizona, states with two Republican Senators.

We have, on the other hand, proceeded at our earliest opportunity to increase federal judgeships where most needed by 20 to be appointed by a Republican President who has shown little interest in working with Democrats in the Senate, and we have included a number of jurisdictions with Democrats Senators.

I also commend the senior senator from California for her leadership on the "James Guelff and Chris McCurley Body Armor Act," the State Criminal Alien Assistant Program reauthorization, and the many anti-drug abuse provisions included in this conference report.

She spoke eloquently on the floor of the Senate regarding many of the important provisions she has championed in this process.

This conference report will strengthen our Justice Department and the FBI, increase our preparedness against terrorist attacks, prevent crime and drug abuse, improve our intellectual property and antitrust laws, strengthen and protect our judiciary, and offer our children a safe place to go after school.

This conference report is the product of years of bipartisan work. The conference report was unanimous. By my count, the conference report includes significant portions of at least 25 legislative initiatives.

I urge my colleagues to support final passage of this conference report so that all of this bipartisan work and all the good that this legislation might is not flushed down the drain.

Over the past 2 days of debate, I have heard only a few Members raise objections to passage of the Department of Justice Authorization Conference Report. I thank these Members for coming to the floor to discuss their views and concerns so that they may be addressed. I should note that even in posing an objection to and delaying passage of the conference report—as is their rights as Senators—these Members acknowledged that there were parts of this bill they liked or may like upon review.

I appreciate that not all Members were or could be conferees and participate in the conference, but I do hope that after they have had a full opportunity to study the conference report passed last week in the House by a vote of 400 to 4, that they will find that on the whole this is a good, solid piece of legislation. Senator HATCH worked very hard to help construct a good, fair and balanced conference report as did all of the conferees. We all owe him thanks for his attention to this matter and his work.

This legislation is neither complicated nor controversial. It passed the House 400 to 4 in short order. It was

signed by every conferee, Republican or Democrat, including Senator HATCH and Representatives SENSENBRENNER, HYDE, and LAMAR SMITH. Senators SESSIONS and HUTCHISON came to the floor to support it. I did not think there was a need for extensive debate in the Senate on this measure and had hoped that Members would be willing to allow an up or down vote of the conference report.

Contrary to those who may argue that this legislation is not a priority, it is. Congress has not authorized the Department of Justice in more than two decades. While the Justice Department would certainly continue to exist if we were to fail to reauthorize it, that is not an excuse for shirking our responsibility now. I know that Senator HATCH and Representatives SENSENBRENNER and CONYERS share my view. It is long past time for the Judiciary Committees of the House and Senate—and the Congress as a whole—to restore their proper oversight role over the Department of Justice.

Through Republican and Democratic administrations, we have allowed the Department of Justice to escape its accountability to the Senate and House of Representatives and through them to the American people. Congress, the people's representative, has a strong institutional interest in restoring that accountability. The House has recognized this, and has done its job. We need to do ours.

I agree with those Members who say that we need to give anti-terrorism priority, but not lose sight of the other important missions of the Department of Justice.

The conference report takes such a balanced approach. Those critics who say that there is nothing new in this legislation to fight terrorism, have missed some important provisions in the legislation as well as my floor statements over the past week outlining what the conference report contains to help in the anti-terrorism effort.

Let me repeat the highlight of what the conference report does on this important problem.

The conference report fortifies our border security by authorizing over \$20 billion for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration. It also authorizes funding for Centers for Domestic Preparedness in Alabama, Texas, New Mexico, Louisiana, Nevada, Vermont and Pennsylvania, and adds additional uses for grants from the Office of Domestic Preparedness to support State and local law enforcement agencies. These provisions have strong bipartisan support, including that of Senator SESSIONS.

Another measure in the bill would correct a glitch in a law that helps prosecutors combat the international financing of terrorism. I worked closely with the White House to pass the original provision to bring the United States into compliance with a treaty

that bans terrorist financing, but without this technical, noncontroversial change, the provision may not be usable. This law is vital in stopping the flow of money to terrorists. Worse yet, at a time when the President is going before the U.N. emphasizing that our enemies are not complying with international law, by blocking this minor fix, we leave ourselves open to a charge that we are not complying with an anti-terrorism treaty.

I agree with other Members that we should do more to help the FBI Director in transforming the FBI from a crime fighting to a terrorism prevention agency and to help the FBI overcome its information technology, management and other problems to be the best that it can be. The Judiciary Committee reported unanimously the Leahy-Grassley FBI Reform Act, S. 1974, over 6 months ago to reach those goals, but this legislation has been blocked by an anonymous hold from moving forward. This conference report contains parts of that bipartisan legislation, but not the whole bill, which continues to this day to be blocked to this day.

Since the attacks of September 11 and the anthrax attacks last fall, we have relied on the FBI to detect and prevent acts of catastrophic terrorism that endanger the lives of the American people and the institutions of our country. Reform and improvement at the FBI was already important, but the terrorist attacks suffered by this country last year have imposed even greater urgency on improving the FBI. The Bureau is our front line of domestic defense against terrorists. It needs to be as great as it can.

Even before those attacks, the Judiciary Committee's oversight hearings revealed serious problems at the FBI that needed strong congressional action to fix. We heard about a double standard in evaluations and discipline. We heard about record and information management problems and communications breakdown between field offices and Headquarters that led to the belated production of documents in the Oklahoma City bombing case. Despite the fact that we have poured money into the FBI over the last five years, we heard that the FBI's computer system were in dire need of modernization.

We heard about how an FBI supervisor, Robert Hanssen, was able to sell critical secrets to the Russians undetected for years without ever getting a polygraph. We heard that there were no fewer than 15 different areas of security at the FBI that needed fixing.

The FBI Reform Act tackles these problems with improved accountability, improved security both inside and outside the FBI, and required planning to ensure the FBI is prepared to deal with the multitude of challenges we are facing.

We are all indebted to Senator GRASSLEY for his leadership in the area. Working with Republicans and

Democrats on the Senate Judiciary Committee we unanimously reported the FBI Reform Act more than six months ago only to stymied on our bipartisan efforts by an anonymous Republican hold.

The conference report does not contain all of the important provisions in the FBI Reform Act that Senator GRASSLEY and I, and the other members of the Judiciary Committee, agreed were needed, but it does contain parts of that other bill.

Among the items that are, unfortunately, not in the conference report and are being blocked from passing in the stand-alone FBI Reform bill by an anonymous Republican hold are the following: Title III of the FBI Reform bill that would institute a career security officer program, which senior FBI officials have testified before our Committee would be very helpful; title IV of the FBI Reform bill outlining the requirements for a polygraph program along the lines of what the Webster Commission recommended; title VII of the FBI Reform bill that takes important steps to fix some of the double standard problems and support the FBI's Office of Professional Responsibility, which FBI Ethics and OPR agents say is very important; and title VIII to push along implementation of secure communications networks to help facilitate FISA processing between Main Justice and the FBI. These hard-working agents and prosecutors have to hand-carry top secret FISA documents between their offices because they still lack send secure e-mail systems.

The FBI Reform bill would help fix many of these problems and I would hope we would be able to pass all of the FBI Reform Act before the end of this Congress. These should not be controversial provisions and are designed to help the FBI. Yet passage of these provisions are being blocked both in a stand-alone FBI Reform bill, S. 1974, and the provisions we were able to include in this conference report. I urge my colleagues to support final passage of the conference report so that we can start making progress on the important reforms in the bill.

Some Members have complained that we included provisions in this conference report that were not contained in either the Senate or House bills. Now, each of the proposals we have included are directly related to improving the administration of justice in the United States. We were asked to include many of them by Republican members of the House and Senate.

Let me give you some examples. The conference report reauthorizes the State Criminal Alien Assistance Program, which President Bush has sought to eliminate. On March 4 of this year, Senator KYL and Senator FEINSTEIN sent me a letter asking me to include an authorization for SCAAP—which was not authorized in either the House or Senate-passed bill—in the conference report. That proposal had been

considered and reported by the Judiciary Committee but a Republican hold has stopped Senate consideration and passage. I agreed with Senator KYL that we should authorize SCAAP. I still believe that it is the right thing to do.

In addition to including the reauthorization of SCAAP, the conferees also authorized an additional judge for Arizona. Members have been arguing for years that their States need more judges. We took those arguments seriously, and added another new judge for Arizona on top of the two that were added in 1998 and the third that was added in 2000. As I said before, we have added twenty new judge positions in this conference report.

Some have been critical of the conference report's authorization of funding for DEA police training in South and Central Asia, and for the United States-Thailand drug prosecutor exchange program. I believe that both of these are worthy programs that deserve the Senate's support.

I have listened to President Bush and other in his Administration and in Congress argue that terrorist organizations in Asia, including al Qaeda, have repeatedly used drug proceeds to fund their operations.

The conferees wanted to do whatever we could to break the link between drug trafficking and terror, and we would all greatly appreciate the Senate's assistance in that effort.

Beyond the relationship between drug trafficking and terrorism, the production of drugs in Asia has a tremendous impact on America.

For example, more than a quarter of the heroin that is plaguing the northeastern United States, including my State of Vermont, comes from Southeast Asia. Many of the governments in that region want to work with the United States to reduce the production of drugs, and these programs will help. It is beyond me why any Senator would oppose them.

Some have complained that the conference report demands too many reports from the Department of Justice and that this would interfere with the Department's ongoing counterterrorism efforts. It is true that our legislation requires a number of reports, as part of our oversight obligations over the Department of Justice. I assure the Senate, however, that if the Department of Justice comes to the House and Senate Judiciary Committees and makes a convincing case that any reporting requirement in this legislation will hinder our national security, we will work out a reasonable accommodation.

I think, however, that such a turn of events is exceedingly unlikely, as no one at the Department has mentioned any such concerns.

Some Members have complained that the conference report includes pieces of legislation that had not received Committee consideration. Let me deal with some of the specific proposals that have been cited.

The Law Enforcement Tribute Act was mentioned as a provision not considered by the Judiciary Committee, but this is incorrect. In reality, the Committee reported that bill favorably on May 16. Its passage has been blocked by an anonymous Republican hold.

Complaints have been made about inclusion of the motor vehicle franchise dispute resolution provision in the conference report for bypassing the Committee. But, again, that is incorrect. The Judiciary Committee fully considered this proposal and reported Senator HATCH's Motor Vehicle Franchise Contract Arbitration Fairness Act last October 31. It has been stalled from the Senate floor by anonymous Republican holds.

A section allowing FBI danger pay was cited as a proposal that bypassed Committee consideration, but, again, the Judiciary Committee did consider this proposal as part of the original DOJ Authorization bill, S. 1319.

Some have complained that the Federal Judiciary Protection Act, which is included in the conference report, had not come before the Committee, but on the contrary, this legislation, S. 1099, was passed the Judiciary Committee and the Senate by unanimous consent last year and in the 106th Congress, as well.

There has been a complaint on the floor about the provisions on the U.S. Parole Commission being included in the conference report. That was included because the Bush Administration included it in its budget request.

Some have complained on the floor about the conference report's provision establishing the FBI police to provide protection for the FBI buildings and personnel in this time of heightened concerns about terrorist attacks. Contrary to the critics, this proposal was considered by the Judiciary Committee as part of the FBI Reform Act, S. 1974, which was reported unanimously on a bipartisan basis but has been blocked by an anonymous hold.

Similarly, a complaint was made on the floor about bypassing the Committee with the provision in the conference report for the FBI to tell the Congress about how the FBI is updating its obsolete computer systems. Again, this is incorrect. This provision was included in the FBI Reform Act, S. 1974, which was considered by the Judiciary committee and unanimously reported without objection.

Some critics have complained that the conference report includes intellectual property provisions that have passed neither the House or the Senate. It is not for lack of trying to pass these provisions through the Senate, but anonymous Republican holds have held up for months passage of the Madrid Protocol Implementation Act, S. 407. This legislation has passed the House on three separate times in three consecutive Congresses. Let us get it passed now in the conference report.

The conference report also contains another intellectual property matter,

the Hatch-Leahy TEACH Act, to help distance learning. Contrary to the critics' statements, this passed the Senate in June, 2001.

The intellectual Property and High Technology Technical Amendments Act, S. 320, contained in this conference report, was passed by the Senate at the beginning of this Congress, in February, 2001. It is time to get this done.

The criticism made on the floor that the juvenile justice provisions in the conference report never passed the House or Senate is simply wrong. The conference report contains juvenile justice provisions passed by the House in September and October of last year, in H.R. 863 and H.R. 1900.

The criticism that the conference report contains criminal justice improvements that were passed by neither the House or the Senate glosses over two important points: First, that many of the provisions were indeed passed by the House, and, second, that others have been blocked from Senate consideration and passage by anonymous Republican holds. Let me give you some examples.

The conference report contains the Judicial Improvements Act, S. 2713 and H.R. 3892, that passed the House in July, 2002, but consideration by the Senate was blocked after the Senate bill was reported by the Judiciary Committee.

The Antitrust Technical Corrections bills, H.R. 809, had the same fate. After being passed by the House in March, 2001, and reported by the Senate Judiciary Committee, consideration was blocked in the Senate.

This conference report is a comprehensive attempt to ensure the administration of justice in our nation. It is not everything I would like or that any individual Member of Congress might have authored.

It is a conference report, a consensus document, a product of the give and take with the House that is our legislative process. It will strengthen our Justice Department and the FBI, increase our preparedness against terrorist attacks, prevent crime and drug abuse, improve our intellectual property and antitrust laws, strengthen and protect our judiciary, and offer our children a safe place to go after school.

I hope that it will merit the support of every Member of the United States Senate. At the very least, it deserves an up-or-down vote. I was pleased to see some Republicans come to the floor to support this conference report. For the sake of the Justice Department, the United States Congress, and the American people, we should pass this legislation today.

• Mr. HATCH. Mr. President, I rise in support of the 21st Century Department of Justice Appropriations Authorization Act. The Conference Report is now before the Senate. The title of the Conference Report—"The 21st Century Department of Justice Appropriations Authorization Act"—is appropriately named—the bill is a forward-

looking measure which will strengthen the Justice Department and our judicial system as we face the new challenges of the 21st century. More specifically, the bill provides the Justice Department with the necessary tools and resources: to detect and prevent future terrorist attacks; to reduce drug abuse and prevent drug-related crimes; to enhance our country's ability to compete in international markets by improving our intellectual property and antitrust laws; and to address the growing needs of our at-risk youth by offering meaningful alternatives to the temptations of crime. The House last week passed the Conference Report by a vote of 400-4. I urge my colleagues to support this important piece of legislation.

Before I address the substance of the Conference Report, I want to take a moment to thank my distinguished colleagues, Chairman LEAHY, and House Judiciary Chairman SENSENBRENNER, and Ranking Member CONYERS, for all of their hard work, commitment and determination on this important matter. Senator LEAHY and I have been working together for years to enact a Department of Justice reauthorization bill, and I am pleased that we are finally able to bring the matter to the Senate for its consideration.

The Department of Justice's main duty is to provide justice to all Americans, certainly of central importance to our national life. It has the primary responsibility for the enforcement of our Nation's laws. Through its divisions and agencies including the FBI and DEA, it investigates and prosecutes violations of federal criminal laws, protects the civil rights of our citizens, enforces the antitrust laws, and represents every department and agency of the United States government in litigation. Increasingly, its mission is international as well, protecting the interests of the United States and its people from growing threats of trans-national crime and international terrorism. Additionally, among the Department's key duties is providing much needed assistance and advice to state and local law enforcement agencies.

It has been over two decades since Congress reauthorized the Justice Department. If enacted, H.R. 2215 will be a significant step in Congress's efforts to reassert its rightful role in overseeing the operation of the Justice Department. By instituting a regular reauthorization procedure for the Justice Department, Congress will be able to ensure that the Justice Department has all the necessary tools to carry out its critical functions.

Let me be clear that I am not advocating that we micro-manage the Department of Justice. I have full confidence in Attorney General Ashcroft and the thousands of employees who competently manage the Department daily. However, we cannot continue to neglect our responsibility to exercise responsible oversight of the Justice Department which so profoundly affects the lives of all Americans.

The tragic events of September 11th have underscored the need for Congress to work closely with the Justice Department. Last year, we worked with the Justice Department to ensure swift passage of the PATRIOT Act, which has strengthened America's security by providing law enforcement with the necessary tools to fight the war against terrorism. We will continue to provide the Justice Department with the legislative tools and resources needed to win this war against terrorism.

The 21st Century Department of Justice Appropriations Authorization includes a number of important provisions which I will briefly highlight. Most significantly, the bill fully authorizes the Justice Department and its major components for fiscal years 2002 and 2003. Among these authorizations are funding for the Federal Bureau of Investigation to protect against terrorism and cyber-crime, the Drug Enforcement Administration to combat the trafficking of illegal drugs, and the Immigration and Nationalization Service to enforce our country's immigration laws. The bill also adds 94 new Assistant United States Attorneys to implement the President's Project Safe Neighborhoods initiative which is aimed at reducing gun violence in our communities.

With respect to congressional oversight, the conference report strengthens the authority of the Department's Inspector General in order to address internal issues within the Justice Department. It specifically expands the Inspector General's authority to include responsibility for investigating the FBI. In order to establish a baseline from which to focus future oversight of the Justice Department, the bill requires the Department to submit to Congress reports detailing the operation of the Office of Justice Programs and all of the Justice Department's litigation activities.

The conference report enacts many of the provisions of the Drug Abuse Education, Prevention, and Treatment Act of 2001, S. 304, which I introduced in the Senate with Senators LEAHY and BIDEN more than 18 months ago, and which has received wide bipartisan support. This legislation marks a watershed event in the national effort to combat drug addiction, and makes a significant, sustained commitment to providing federal resources for reducing the demand for illicit drugs. Investing in proven prevention and treatment programs can help reduce the wreckage and the unwarranted burden of drug abuse on society.

Specifically, the Drug Abuse Education, Prevention and Treatment provisions: No. 1, increase drug treatment grants for prisoners and residential aftercare programs; No. 2, require a study and review of drug-testing technologies and all federal drug and substance abuse treatment and prevention programs in order to recommend necessary reforms to these programs; No.

3, expand drug abuse and addiction research; No. 4, expand the Drug Courts program; No. 5, provide post-incarceration vocational and remedial educational opportunities for federal inmates; and No. 6, provide grants to states to establish demonstration projects to promote successful reentry of criminal offenders.

While ensuring effective drug treatment and prevention programs, the conference report includes a broad set of measures designed to protect our youth. Specifically, the bill supports the creation and expansion of Boys and Girls Clubs in our communities, enhances juvenile criminal accountability, and provides states with block grants to address juvenile crime. In addition to our nation's youth, the bill strengthens our criminal justice system by increasing penalties for those who tamper or threaten federal witnesses, or those criminals who harm Federal judges and law enforcement personnel.

In addition to our Nation's youth, the bill provides increased attention to crimes against women by establishing a Violence Against Women Office within the Justice Department, which will be headed by a presidentially appointed and Senate confirmed Director. The Director, in part, will serve as a special counsel to the Attorney General on issues related to violence against women, provide information to the President, the Congress, State and local governments, and the general public, and maintain a liaison with the judicial branches of federal and State governments.

The conference report addresses the operation of our federal judiciary by enacting long-needed judicial improvements and reforms to judicial disciplinary procedures. It also creates judgeships in various districts where there is a chronic shortage of federal judges to handle existing caseloads, particularly in our border States such as Texas, New Mexico, California, Nevada, Florida and Alabama. We need to do more here, and add judges in other districts where caseloads are high, and I am hopeful we will be able to do that next Congress.

The bill also promotes America's economic security by enhancing our competitiveness in the world economy. Specifically, the bill makes some needed changes to our antitrust laws, and creates a commission to review our antitrust laws to determine what reforms, if any, are needed to ensure the effective operation of our free markets in our "new" high-tech economy.

The conference report enacts critical amendments to the Radiation Exposure Compensation Act of 2000, S. 898, which I introduced in order to clarify the eligibility standards and to ensure appropriate compensation under the program. In addition, the bill enacts "The Motor Vehicle Franchise Contract Arbitration Act," S. 1140, which I introduced, was passed by the Senate Judiciary Committee, and which received

bipartisan support. This bill restricts the use of mandatory arbitration provisions in motor vehicle franchise contracts.

Further, the bill includes several important provisions to reform intellectual property law. First, the bill directs the Justice Department to increase its enforcement of intellectual property laws. Second, aside from enforcement, the bill enacts the Technology, Education and Copyright Harmonization Act (TEACH Act, S. 487, which I introduced and has received bipartisan support. This Act enhances our country's education system by revising federal copyright law to extend the exemption from infringement liability for instructional broadcasting to digital distance learning. Third, the Conference Report enacts several important reforms of our patent and trademark system which I supported, including: authorization of the Patent and Trademark Office for fiscal years 2003 to 2008; revision of the filing and processing procedures for patent and trademark applications; and enactment of the Madrid Protocol Implementation Act, S. 407, which ensures international protection of United States trademarks.

Finally, the conference report refines INS administrative procedures in two specific areas in order to reduce INS processing delays. First, the bill extends H-1B status for alien workers who wish to continue working beyond the authorized 6-year period. Second, the bill includes provisions for removal of conditional basis of permanent resident status applicable to certain alien entrepreneurs.

The conference report is a long-awaited and much-needed measure which will ensure that Congress provides the required oversight—and support of—the Justice Department as it continues its critical role of enforcing our country's laws, protecting our country from terrorist attacks, enhancing our competitiveness in the world economy, and making our communities safer. Working together in a spirit of bipartisanship, the bill provides the necessary framework to ensure that Congress and the Administration will be able to identify solutions to the challenges faced by federal law enforcement, and to ensure the efficient operation of the Justice Department and each of its components.

I would also like to take this opportunity to recognize the tireless work of the dedicated Staff members on both sides of the aisle whose work around the clock made this legislation possible. First, on my staff, I want to specifically commend my former staff member Leah Belaire, who recently joined the United States Attorney's Office for the District of Columbia as an Assistant United States Attorney. She along with my counsels, Mike Volkov, Wan Kim, Shawn Bentley, Patti DeLoatche, Rebecca Seidel, Bruce Artim, Dustin Pead, and my Chief Counsel and Staff Director, Makan

Delrahim, all poured their hearts into this legislation. On Chairman LEAHY's staff, I want to thank Tim Lynch and Ed Pagano, as well as Chairman LEAHY's able General Counsel, Beryl Howell, and Chief Counsel and Staff Director, Bruce Cohan. On Chairman SENBRENNER's staff, I want to commend Will Moschella, Steve Pinkos and Phil Kiko, for their hard work and dedication. On Congressman CONYER's staff, I want to thank Perry Apfelbaum, Sam Garg, and Ted Kalo for their commitment to this legislation.

Mr. President, this is an important piece of legislation that deserves our full support. I urge my colleagues to vote in favor of the conference report.●

Mr. CRAIG. Mr. President, I regret to point out one very important provision that is missing from H.R. 2215: a district judgeship for Idaho. This is a matter of great urgency to the citizens of my State.

Idaho has two Federal district judgeships, created in 1890 and 1954. We are one of only three States in the union with two Federal district judgeships.

There are three distinct and widely-distant geographical areas in my State: the Southeast, the Southwest and the North. A district judge must travel up to 450 miles between division offices. This distance is greater than that traveled in other rural district courts, including those of Montana, Wyoming, North Dakota, South Dakota or Eastern Washington. In fact, only a district judge in Alaska has a greater distance to travel, when comparing these rural district courts. Because of the State's sheer size, its extraordinary increase in population, and tremendous growth in caseload over nearly five decades, the current situation is becoming increasingly unworkable, and we are seeking one additional judgeship.

Unlike other States, we have no senior judges to fill in the gaps. We are depending on judges borrowed from other districts to help us, but obviously that can only be a temporary fix for the problem.

To remedy this crisis, the State of Idaho has requested a third Federal district judge. All members of the Federal bench in Idaho agree with this request, and the Idaho State Legislature even passed a resolution petitioning Congress for this change.

I have been working on this issue throughout the 107th Congress, introducing legislation along with my Idaho colleague Senator CRAPO, consulting with the Senate Judiciary Committee and lobbying its members, writing to the Judicial Conference. Our senior district judge in Idaho personally visited Capitol Hill and talked with staff and members of the Judiciary Committee.

When it became apparent that H.R. 2215 was the only legislative vehicle in this Congress for the creation of new judgeships, the entire Idaho Congressional Delegation, Senator CRAPO and I, as well as our House colleagues Representative MIKE SIMPSON and Representative BUTCH OTTER, wrote to

each member of the conference committee on this bill, reiterating our request.

To date, not a single member of the Senate or House has opposed our request. Yet at the end of the day, H.R. 2215 fails to include an additional judge for Idaho.

It is my understanding that our request was not given priority because the Judicial Conference of the United States refused to endorse it. While Idaho did not originally meet the narrow requirements imposed by the Conference before it recommends an additional judgeship, I have been informed in the last few weeks that we now meet those requirements, and Idaho hopes to obtain that critical endorsement in the future.

With that, let me put the Senate on notice that my State will return in the next Congress with this request and will work for a better result. There should not be waiting list for people to obtain justice in our courts, but there is in Idaho until relief arrives in the form of a third Federal district judge.

Mr. KYL. Mr. President, I rise to address one aspect of the "21st Century Department of Justice Appropriations Authorization Act," H.R. 2215. Section 312 creates a number of Federal judgeships, including a temporary judgeship for the District of Arizona. Under the bill, the temporary addition of an extra seat to the 12-member Federal district court will commence in July 2003 and will end with the first judicial retirement that occurs after that ten-year period expires, returning the court to twelve seats.

The District of Arizona sorely needs this judgeship. According to the Administrative Office of the United States Courts, the District of Arizona ranks 10th in total weighted filings among all 94 districts. The general standard for weighted filings established by the U.S. Judicial Conference as an indicator of a need for additional judgeships is 430. With 604 weighted filings per judgeship, the District of Arizona exceeds this criteria by 29 percent, despite the recent and much appreciated addition of four new judges. The high level of filings in the District of Arizona is not temporary. The weighted filings in this district have been substantially higher than the national average since 1985.

The District of Arizona reported 6,300 civil and criminal case filings in 2001, a 26 percent increase in filings over a five-year period. The District's criminal felony caseload has increased 104 percent over the past 5 years. The District ranks third among the Nation's 94 districts in weighted criminal felony filings per authorized judgeship, 231 percent above the national average. In addition to the burgeoning criminal caseload, the District's civil caseload is on the rise. This District is an unenviable 71st nationally in median disposition time for civil cases and 85th nationally in median time from filing to trial in civil cases. Seven percent of

the civil cases have been pending over three years.

According to the latest population statistics as reported by the U.S. Census Bureau, Arizona's population increased by 40 percent from 1990 to 2000, while the national rate of population growth is only 13.1 percent. Arizona is ranked second only to Nevada for percentage of growth. The Arizona Department of Economic Security projects the State's population will grow another 25 percent by 2010.

This new judgeship will provide emergency aid to Arizona's District Court, whose judges are extremely overburdened by crushing federal case-loads. Arizona's Federal court, like those in other border states, suffers special burdens as a result of sharp increases in drug trafficking and immigration prosecutions. This backlog delays justice for Arizonans and disrupts the proper administration of the courts.

I would like to commend Senator LEAHY, Senator HATCH, and Representative SENSENBRENNER for including this much-needed judgeship. This temporary judgeship is at least one reason to support the "21st Century Department of Justice Appropriations Authorization Act."

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to a period of morning business.

IRAQ

Mr. LOTT. Mr. President, there is no more solemn and important duty for the Senate, in my opinion, than to debate the momentous issues of war and peace. I remember in 1991 when we debated the gulf war resolution that it took on a very serious aura. Every Senator spoke. Senators actually came to the floor and listened to the debate. It was a challenge. Not a one of us didn't feel some amount of concern and trepidation and respect for the importance of that vote. I think we are fixing to embark on a debate of that magnitude again today.

The issue of Iraq is one that we are concerned about and which we have been wrestling with for 11 years. But I think that today on the issue of Iraq we have reached what Winston Churchill called "not the beginning of the end but the end of the beginning."

After weeks of careful preparation and bipartisan negotiation—it has been truly bipartisan on both sides of the aisle in the Senate, and in the House it has been a bicameral effort—I believe the Senate will, once again, show why it is called "the greatest deliberative body." I think we will have some very interesting and very thoughtful speeches that will be given next week. Obviously, we will not all agree. Obviously, we will have respect for each other—no matter what the position may be.

But I think, in the end, we are going to see we are going to have a very

broad, bipartisan vote expressing our concern about what this situation is in Iraq, about the fact the United Nations resolutions—all 16 of them—have been ignored, for the most part, for 11 years, and it is time we take action to avoid some horrendous events that could occur if we do not.

I believe we will give the President the authority he needs to deal with this problem. I want to emphasize this President has listened, and he has also challenged us. He has shown commitment and leadership. Some of us in Congress were saying: We want to hear from the President. Come to us. Tell us what you know. Tell us what you want. Let us have a debate. Let us have a vote. He did so, and he continues to work with us to this very moment.

Some people said: Oh, well, you have to take your case to the United Nations. Let the United Nations be a part of this. Encourage the United Nations—in fact, demand the United Nations—live up to its responsibility and its own resolutions.

The President did that. He went to the United Nations and gave one of the most impressive speeches I believe he has ever given. He gave the bill of particulars to the world community about what the problems are and why we had to deal with this menace. I think it changed the United Nations. And while we still do not have a resolution from the United Nations, I know Secretary Powell is working on that.

I know the President and others are talking to the world community. I have had the occasion, as the Republican leader of the Senate, to talk to representatives from seven countries over the past 2 weeks and get a feel for what they are thinking and what their concerns are, what their suggestions are.

So this President is working with us, with the United Nations, and with the world community.

As the Republican leader, I have entertained views from all sides of our own caucus. When we got the first draft of the Iraq resolution, every word was not accepted as being perfect or brilliant. There were some suggestions made, and I listened to them. In fact, I remember there was one phrase in the resolution, when I read it the first time, I said: What does that really mean? I don't think I really like that.

So we did have input. We did have the first draft sent by the President, but the President invited our input and our participation in the development of this resolution, and changes were made. We had the first resolution, the second resolution, the third resolution, and now the bipartisan resolution that was introduced in the Senate by Senator LIEBERMAN, Senator WARNER, Senator MCCAIN, and Senator BAYH. It is the resolution we should consider. Will there be another alternative? Perhaps. I have no problem with that. Will there perhaps be an amendment that is agreed to in advance? Perhaps. I have no problem with that. I do think we are

going to have a problem if we just allow this to be endlessly amended. It would be a filibuster by amendment.

I think we need to have a full debate but be prepared to go to votes on these important issues by the middle of next week. Senator DASCHLE, perhaps, will give his own thinking about the specifics of when we might begin to get to some votes.

I have listened to opinions on the other side of the aisle, too. I did not just talk to Senator SHELBY or Senator LUGAR or Senator MCCAIN or Senator WARNER or Senator HUTCHINSON. I talked to Senators on both sides of the aisle, and so did the administration. Because of this, I think we have been able, with the help of the White House and the combined House leadership, to emerge with a strong resolution we now present to the Congress and to the world.

For those who brought us to this moment—the President, the Speaker, Congressman GEPHARDT, SENATORS LIEBERMAN, WARNER, MCCAIN, BAYH, DASCHLE, and others—who are involved in this process, I think the Nation should be grateful. I believe the result of this debate, and the resolution we will vote on next week, will lead to a safer world.

Let me make it clear from the outset, no one—not the President, not any Member of Congress—desires to see our men and women engaged in a fight in Iraq or anywhere unless it is absolutely necessary.

Our history shows that Americans do not seek war; we always are slow to anger. But we got plenty mad last year because of the horror we saw here at home. We now realize the danger is not just over there, as they said in World War I and World War II. Oh, no, it is here. One suicide bomber, with a weapon of mass destruction, is a threat to thousands, perhaps millions.

We are the only Nation in history, though, after having been involved in a war, a conflict, that has turned around and offered a helping hand to all the peoples of the world, including our enemies. We helped in Japan. We helped in Germany. We have done it over and over again.

There is no greater force for good than the United States of America. When our security and our people are threatened, we act swiftly and decisively. But what we want for everybody is opportunity and freedom and democracy—or to choose what they want if they don't want democracy; make that choice.

We want to be safe and secure here at home. That is what this is all about. We are good people, with attributes from our forefathers I am very proud of. But we are very serious about protecting our people at this critical time.

I will save the catalog of Saddam Hussein's crimes for another time, probably about the middle of next week. But today we begin the process of ensuring this violent and cruel man can no longer menace us, his neighbors,

and his own people. It is up to us today to send a message to the world, and to America's friends—particularly the Prime Minister of Great Britain, who has shown great strength—that we do appreciate what they have done, and we thank them for their support and courage, and we are committed to stand with them to eliminate the threat this rogue regime poses to peace in the world.

Let there be no mistake either; the elimination of the Iraqi threat is essential if we are to win the war on terror. We know Saddam Hussein's ongoing relationship with the dark forces of international terrorism. Some people say: Show us a smoking gun. Well, there is a lot of smoke out there. We do know of a lot of things that are ongoing, and we will get into some greater discussion of that next week.

We know other evil regimes are looking to see if he, Saddam Hussein, can once again bluff his way out of trouble, thereby emboldening others to seek more deadly means to threaten the United States and the civilized world.

This has huge meaning. If we now go through the process of huffing and puffing and saying we are going to take action, and there are going to be inspections, and there is going to be the destruction of these weapons, and if not, we are prepared to do whatever is necessary, including using force, and we do not do it, the ramifications will be endlessly negative.

The President, answering his critics who decry so-called American unilateralism, has put the case before the world. For 11 years, Saddam Hussein has flaunted the will of the United Nations. He has amassed stockpiles of weapons of mass destruction. He has gassed his own people. He has shown blatant contempt for the rule of law and the United Nations.

If the United Nations is to be a force for peace, it must show it stands ready to meet this ongoing threat in the international community. If it does not, it will be consigned to the ash heap of history, as the League of Nations was before it—a grand idea unable to cope or confront evil dictators bent on the destruction of world peace.

I said at the outset this vote is the "end of the beginning." The Senate will rise to the occasion, as it has throughout its eventful history. As we engage in this momentous debate, let us ensure by its conclusion we will have set in motion "the beginning of the end" of Saddam Hussein and all for which he stands.

Now, I see Senator DASCHLE is in the Chamber. I thank him for his effort in this regard. We do not always agree. We have a lot of conversations people don't even know about to try to come to a fair agreement on how to proceed. We talk about process, and we still have a way to go. But here, in a few minutes, we will officially begin this debate, an important debate. Every Senator will have his or her chance to have their say.

I believe Senator DASCHLE has in mind a process most Senators will feel is fair—I hope all Senators. At the end of the day, in a reasonable period of time, we will get to a vote. But as we started, I thought it was important we express our appreciation for what has been done, and our reassurance to the American people and our colleagues we are going to ensure it be done in a respectful way, regardless of positions, but that it produces a result which is going to be good for America.

Madam President, may I inquire, is it anticipated this would be the last vote of the day but that we would continue in session as long as any Senator wishes to speak?

The PRESIDING OFFICER (Ms. CANTWELL). The majority leader.

Mr. DASCHLE. Responding to the distinguished Republican leader, the answer to that is, yes, this will be the final vote of the day. There will be no votes tomorrow, but we will be in session.

It is my hope and expectation that Senators will avail themselves of the opportunity to come to the floor to not necessarily debate the resolution but to express themselves on the resolutions. The Senate will be available for that purpose today, tomorrow, Monday, and we will have more to say with regard to the specific schedule, perhaps as early as tomorrow. This will be the final vote today.

The PRESIDING OFFICER. The majority leader.

DEBATE ON IRAQ RESOLUTION

Mr. DASCHLE. Madam President, I did not have the opportunity to hear all of the distinguished Republican leader's remarks, but I have a pretty good understanding of the tone of his statement and agree very much with what I did hear of his remarks.

Let me say I would pick up where he left off. I want very much for this debate to be respectful, to recognize our solemn obligation as Senators to debate, and our role in providing advice and consent on issues of this import. That will be what we set out to do over the course of the next several days.

In consultation with the Republican leader, I also had hoped we could have a prompt debate. That is also part of our motivation in bringing the resolution to the floor in the form of a cloture motion this afternoon.

There will be differences of opinion expressed, but there is no difference of opinion with regard to our ultimate goal. Our goal is to address the very understandable and serious concern shared not only by the administration but the American people that we have to address the threat that exists today in Iraq, the threat that it poses to us in a number of ways but especially with regard to weapons of mass destruction.

It is my hope that debate can begin in earnest today, that people can come to the floor to express themselves, to indicate their support and their pro-

posals for ways in which we might address this issue through resolutions that will be offered over the course of the next several days.

I am confident that as we begin this debate, we will debate with every expectation that in spite of what differences exist, the similarities will be far greater than the differences; that ultimately we can come to some resolution that will bring about perhaps a broad bipartisan coalition in support of a resolution that authorizes this administration and our country to move forward.

There is a growing appreciation of the role of the United Nations. There is a growing appreciation of the role of the international community. There is a recognition that the extent to which we work in and through the international community, as we did in 1991, we will do it again successfully today.

I come to the floor with an expectation that there will be an opportunity at some point for Senator LEVIN to introduce his resolution. We will have a debate and a vote on that resolution sometime next week. We would then lay down—perhaps simultaneously—the resolution that has been the subject of negotiations and discussions now with the administration over the course of the last couple of weeks. Agreement was reached with some members of leadership over the course of the last day or so. That certainly will be one of the primary vehicles we will address as we consider debate on this issue in the coming days.

I might suggest that it be used as the primary vehicle, although we have not entertained a unanimous consent request in that regard.

It is also my expectation that Senators BIDEN and LUGAR may have an amendment that they wish to offer that would go to some of the concerns they have with regard to the need for further clarity of that resolution. That may be the amendment that would be offered to the administration resolution at some point next week.

In the meantime, Senators are encouraged to come to the floor to express themselves in general or to express themselves with regard to any one of those specific resolutions or amendments to the resolution.

I would hope that at some point we could reach an agreement that we would have those three votes—a vote on the Levin resolution, a vote on the Biden-Lugar amendment to the administration resolution, and then ultimately a vote on the administration resolution itself.

As I said today, I am not prepared to propound it because we have not had enough opportunity to consult with colleagues on either side of the aisle. I have had many consultations with the distinguished Republican leader. It will be our intent to suggest that to our caucuses with the hope that we can put that framework in place as we debate this very important matter in the days ahead.

I encourage Senators to come to the floor today, tomorrow, Monday, and all next week as we hope to complete our work. My expectation is that we would complete our work on this resolution, on this set of issues relating to this resolution, sometime by midweek next week.

I know we are scheduled to have a vote at 4:15. That time has arrived.

I yield the floor.

AUTHORIZATION OF THE USE OF UNITED STATES ARMED FORCES AGAINST IRAQ—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to proceed to S.J. Res. 45, a joint resolution to authorize the use of U.S. forces against Iraq:

Harry Reid, Jeff Bingaman, Jean Carnahan, Daniel K. Inouye, Bill Nelson of Florida, Ben Nelson of Nebraska, Ernest F. Hollings, John Edwards, Tim Johnson, Joseph I. Lieberman, Herb Kohl, John Breaux, Joseph R. Biden, Jr., Max Baucus, Mary Landrieu, Tom Daschle.

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S.J. Res. 45, a joint resolution to authorize the use of U.S. forces against Iraq, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Utah (Mr. HATCH) and the Senator from North Carolina (Mr. HELMS) are necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA) and the Senator from Hawaii (Mr. INOUE) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 95, nays 1, as follows:

[Rollcall Vote No. 230 Leg.]

YEAS—95

Allard	Burns	Craig
Allen	Campbell	Crapo
Baucus	Cantwell	Daschle
Bayh	Carnahan	Dayton
Bennett	Carper	DeWine
Biden	Chafee	Dodd
Bingaman	Cleland	Domenici
Bond	Clinton	Dorgan
Boxer	Cochran	Durbin
Breaux	Collins	Edwards
Brownback	Conrad	Ensign
Bunning	Corzine	Enzi

Feingold	Landrieu	Santorum
Feinstein	Leahy	Sarbanes
Fitzgerald	Levin	Schumer
Frist	Lieberman	Sessions
Graham	Lincoln	Shelby
Gramm	Lott	Smith (NH)
Grassley	Lugar	Smith (OR)
Gregg	McCain	Snowe
Hagel	McConnell	Specter
Harkin	Mikulski	Stabenow
Hollings	Miller	Stevens
Hutchinson	Murkowski	Thomas
Hutchison	Murray	Thompson
Inhofe	Nelson (FL)	Thurmond
Jeffords	Nelson (NE)	Torricelli
Johnson	Nickles	Voinovich
Kennedy	Reed	Warner
Kerry	Reid	Wellstone
Kohl	Roberts	Wyden
Kyl	Rockefeller	

NAYS—1

Byrd

NOT VOTING—4

Akaka
Hatch

Helms
Inouye

The PRESIDING OFFICER. On this vote, the yeas are 95, the nays are 1. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Without objection, it is so ordered.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 2003

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.J. Res. 112, a 1-week continuing resolution, just received from the House, which is now at the desk.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 112) making further continuing appropriations for the fiscal year 2003, and for other purposes.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. REID. Mr. President, I ask unanimous consent that the joint resolution be read three times, passed, and the motion to reconsider be laid on the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (H.J. Res. 112) was read the third time and passed.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—S. 2766

Mr. HARKIN. Mr. President, as I will every day, I ask unanimous consent that the majority leader, after consultation with the Republican leader, turn to the consideration of S. 2766, the Labor, Health, Human Services, and Education appropriations bill.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. I did not quite catch the request. To clarify, this would set aside the homeland security bill? This would set aside the Iraqi resolution?

Mr. HARKIN. Yes. The appropriations bill for Labor, Health and Human Services, and Education passed the subcommittee unanimously, and passed the committee unanimously. We are now in a new fiscal year. Our schools out there need this help. Every day that we don't pass it means they are getting less money for special education, less money for teacher training, less money for title I to help, as a result of the bill we passed just a year ago, to leave no child behind. So I have asked unanimous consent that the leader turn to the consideration of S. 2766, the Labor, Health and Human Services, and Education appropriations bill.

Mr. NICKLES. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HARKIN. Mr. President, I, again, say I am sorry that we hear an objection from the other side. We are not doing much around here. Every day we sort of hang around and have a couple of cloture votes and that is about it. We could bring up this education bill.

As I said, it passed unanimously. That means both Republicans and Democrats supported this bill. It has money in it for Pell grants. We have a lot of middle-class kids going to college who are counting on these Pell grants. This bill had a \$100 increase to help these middle-class kids go to college. Yet we are being denied the opportunity to get that \$100 increase per year for the Pell grant.

We just passed a leave-no-child-behind bill last year. I ask Senators to go and talk to the principals in the schools. Where are the resources to back them up? Without the resources, a lot of children are going to be left behind.

So this bill has resources in it for title I—as I said, about \$700 million. That is going to be denied to our public schools because the other side objected.

Special education—almost \$1 billion is tied up because the other side objects to going to our appropriations bill.

I am sorry that the Republican whip has objected to bringing up this bill. But every day that we are here, I intend to ask unanimous consent to bring up the education funding bill.

This is our ticket out of the recession. It is our ticket to a better future. It is a ticket to a stronger America. We can't back off of our support for education.

I am sorry that we have gotten this objection on the Republican side. But, as I said, every day that we are here I will try to bring it up to get our education funding bill through.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

THE SENATE SCHEDULE

Mr. NICKLES. Mr. President, the Senate is not working. The Senator from Iowa is correct. The Senate is almost being dysfunctional when it comes to appropriations bills and the budget process. We haven't passed a budget. I could ask unanimous consent to bring up the budget.

This is the first time since 1974 that the Senate has not passed a budget. The Senate has not passed any appropriations bills and sent them to the President. I can't remember any time that at the beginning of the fiscal year we haven't sent one appropriations bill to the President. I fault the Senate because we haven't passed a budget. Therefore, we haven't worked out an agreement with the House on the total amount of money we are going to spend. The House has passed some appropriations bills because they have a budget, and we don't have a budget. So the Senate passes bills that are much higher than the House. They don't want to go to conference when the two numbers are not the same. Usually, if you have a budget, both the House and the Senate will at least be working with the same figures and it is much easier to reconcile and actually have a bill that would pass.

Also, I might mention that the President has already said he would veto a bill that would be in excess of what the House passed. We would be wasting our time in that respect.

I would love to take up more appropriations bills, but we haven't finished the appropriations bill that is pending before the Senate. Since we came back on, I believe, September 3, the day after Labor Day, the majority leader said we would do a dual track. We would take up the Interior appropriations bill in the morning and then we would take up the Department of Homeland Security in the afternoon. We would double track those. We didn't object. It took unanimous consent to do that. One would have thought we would have rapidly finished both bills. Unfortunately, we haven't finished one in the entire month of September when we usually do a lot of appropriations bills. We have not done one appropriations bill.

The Department of the Interior appropriations bill is still pending before the Senate. It is not up to the individual chairman of the subcommittee to advance this bill on the floor. It is up to the majority leader to move to consideration of the appropriations bill, and the majority leader did not do so—I would guess because we still had other items on the floor. The Department of the Interior appropriations bill should have taken 2 days. We have been on it for 4 weeks.

We have been stuck on an issue dealing with fire management. The State of South Dakota has an exemption. They have fire management that the majority leader was able to pass earlier to deal with cleaning up their forests so they do not have such a volatile fire situation in their forests. Many Senators wanted to do the same thing for their States. They have offered amendments to do so, and they have yet to get a vote on their amendments. I have stated repeatedly that they are entitled to a vote. That is on the Department of the Interior appropriations bill. Hopefully, we can vote on those amendments and finish the bill. We should be able to do that in no time. It should not take too long.

People should be able to offer amendments. If people don't like the amendment, they can object. It doesn't take too long to finish appropriations bills if the managers and the leaders are willing to vote to table the amendments and find out where the votes are. If you win, you win. If you lose, you lose. We are willing to do that.

We haven't finished the Department of the Interior appropriations bill, nor the homeland defense bill.

People say, let us add another bill to the equation. I disagree. We just voted on a cloture motion. We have had several cloture votes. I happen to disagree. Every time we turn around we are voting on cloture. I disagree with that.

I think we are trivializing the rules of the Senate. Cloture should be used to break a filibuster. There was no filibuster on the Department of Justice authorization bill. We had a cloture vote.

Some of us were hoping we could get some agreement on when we would have more votes on judges. We are disappointed in the fact that we have a lot of judges who were nominated a long time ago and who have yet to get a vote, and in many cases even a hearing in the Judiciary Committee. I spoke to that yesterday. I don't need to repeat it. But several outstanding nominees have not been voted on and in some cases have not even had a hearing before the Judiciary Committee. That bothers me because we are going to finish this Congress and these people have been waiting in some cases 1½ years and they are not going to get a vote.

John Roberts comes to mind. He was nominated on May 9. He has argued 35 cases before the Supreme Court and he didn't even get a hearing this year. He is eminently qualified. He is a former

assistant solicitor general and he didn't even get a hearing this year.

I have been pushing and I hope maybe we will be successful in getting a vote on Michael McConnell this year. At least the committee has had a hearing on him. He is from Utah. He is from Senator HATCH's State. He was nominated by President Bush and is supported by Senator HATCH. The tradition of the Senate is that surely the ranking minority member of the Judiciary Committee is entitled to get a vote on his judge.

I have asked for the Judiciary Committee—and I hope it is not too late—to put Michael McConnell on the docket to be voted on next week. I hope they will. I understand he is not on it yet. I am going to encourage our colleagues to include him, as well as Dennis Shedd and others.

There is a lot of work to be done. Now we have a whole succession of people coming in asking to take up their bills. The majority leader has the right to move to whatever item is on the floor of the Senate. That is his prerogative. That is the prerogative of the majority leader, and I support maintaining that tradition. Obviously, we have others who are saying: Wait a minute. I want to take up my bill.

Labor-HHS has not passed because we haven't passed a budget. Other bills haven't passed because the Senate didn't pass a budget. Unfortunately, the majority leader never called the budget up to put it on the floor for a vote. It may well have been because he didn't have the votes.

But I know when Senator DOMENICI was chairman of the Budget Committee he had a difficult time. And every once in a while we went to the floor and fought lots of battles. We won some and we lost some. But we ended up with a budget resolution that we were able to work out with the House. We would pass a budget resolution, and it would be identical figures, total spending figures, between the House and the Senate. That enabled us to move forward on the appropriations bills. We did not get it done this year, so we have not passed appropriations bills.

I would also like to say I heard: Well, all these education accounts, they are being cut, cut, cut. That is not actually correct. I believe the correct statement would be: We are continuing appropriations. We just passed a continuing resolution for funding until next week, and that continues at last year's level—not an increase, not a decrease.

So I just mention that. I think people should understand we may be on a continuing resolution, unfortunately—because we have not done our work, because we have not passed a budget, because we have not passed appropriations bills—we may be on a continuing resolution for months, but that will not be a cut for anybody. It is basically going to be a continuation of funding levels at last month's, last year's level. I say that just for people's information,

so they will not be saying: Well, this group is being cut or this group is being hurt, and so on. There may be some groups for which there would be pluses or minuses as to what they would have received compared to last year, but basically a continuing resolution says: Continue at last year's level. So I want to make sure that is noted as well.

IRAQ

Mr. NICKLES. Mr. President, the majority leader filed a cloture motion on the motion to proceed to the resolution dealing with Iraq. I happen to be proud of the fact the Senate has bipartisan support for this resolution.

The President has worked hard on it, as well as Senator LIEBERMAN, Senator WARNER, Senator MCCAIN, Senator BAYH, and others. I compliment them for that. I look forward to the debate. I think we can have a good debate.

We can pass a positive resolution that will reaffirm the United States in saying we believe the resolutions we supported and passed in the United Nations should be enforced. This body and the United Nations have passed several resolutions telling Iraq they must comply, and then not enforcing them, and we have done it year after year.

In 1998, we passed a resolution unanimously saying we should enforce the existing resolutions requiring Iraq to disarm. Unfortunately, that resolution was good on paper, but it was not enforced.

Now we have an administration that says they are willing to enforce it. I believe this Congress will stand behind President Bush in saying: Yes, we will give you the authorization to enforce it.

These resolutions mean something. We don't think it is acceptable to have a person with Saddam Hussein's known history of using weapons of mass destruction against his own people, and also invading his neighbors, and lobbing missiles against Israel and Saudi Arabia—it is not acceptable for him to be developing further these weapons of mass destruction. That is against the United Nations resolutions.

We are saying these resolutions mean something. Let's enforce them. We said that unanimously in 1998. It is going to be interesting to see if people want to weaken what we passed in 1998.

I hope our colleagues read President Clinton's statement he made in 1998 to the Pentagon that talked about the need for strong enforcement. That is not the same speech President Clinton made yesterday in London, unfortunately. And I am very disappointed in President Clinton's speech.

Former Presidents usually have a tradition to not undermine current administrations in foreign policy, certainly in foreign lands, and that is not what President Clinton did. President Clinton, in London, I think, made a speech that very much undermines the current administration, including the

administration in London, in trying to develop an international coalition to stand up to Iraq and Saddam Hussein.

I mention that. I don't really like being critical of anyone or any administration, but for the former administration, which did not enforce the existing U.N. resolutions during their tenure, during their 8 years in office, did not pursue terrorists, including terrorists that were al-Qaida, who were directly responsible for blowing up two U.S. Embassies in Africa in 1998, and the USS *Cole* in the year 2000—when they did not go after the terrorists aggressively after those two terrorist attacks, did not enforce the U.N. resolutions, then to have President Clinton being critical of President Bush in Great Britain I think is very demeaning to the office, and I am very regretful a former President would make such a statement.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent the Senate now proceed to a period of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONFIRMATION OF RONALD CLARK

Mr. LEAHY. Mr. President, last night, the Senate confirmed its 79th and 80th judicial nominees, and its 65th and 66th nominees to the Federal district courts since the change in Senate majority and reorganization of the Judiciary Committee less than 15 months ago. In so doing, we have confirmed more judicial nominees than were confirmed in the first 15 months of any of the past three Presidents, and more nominees than were confirmed in the last 30 months that a Republican majority controlled the Senate. We have done more in half the time. We have achieved what we said we would by treating President Bush's nominees more fairly and more expeditiously than President Clinton's nominees were treated.

Since the summer of 2001, we have held more hearings for more judicial nominees and more hearings for circuit court nominees than in any 15-month period of the six and one-half years in which Republicans last controlled the Committee. With our hearing last week, the Democratic-led Judiciary Committee has not held 25 hearings for 96 district and circuit court nominees. This is approximately double the pace at which the Republican majority con-

sidered President Clinton's nominees. The Judiciary Committee has likewise voted on more judicial nominees, 83, and on more circuit court nominees, 17, than in any comparable 15-month period of prior Republican control. In fact, Democrats have given votes to more judicial nominees and, in particular, to nominees to the Courts of Appeals, than in 1996 and 1997 combined, and than in 1999 and 2000 combined.

Last night, the Senate voted on the nomination of Ronald Clark to the United States District Court for the Eastern District of Texas. I was troubled by a number of aspects of Mr. Clark's background. Since 1997, Mr. Clark has been a Representative in the Texas State Legislature. His record as a State legislator is controversial, as he has taken positions that would, among other things, limit civil rights, consumer rights and women's reproductive rights. But he has never served as a judge, and he assured us that, as a judge, he would follow precedent and apply the law as written, without partisanship. I am hopeful that Mr. Clark will be a person of his word: that he will follow the law and not seek out opportunities to decide cases in accord with his private beliefs rather than his obligations as a judge.

The confirmation of Mr. Clark last night made the 28th nominee that we have confirmed to fill a judicial emergency vacancy since the change in Senate majority last year, and the 21st judicial emergency vacancy that we have filled this year. Despite Republican claims about a crisis in the courts, this Administration has failed to nominate people to ten seats that have been declared judicial emergencies, seven vacancies on the Courts of Appeals and three vacancies on the District Courts.

I would note that President Bush has nominated nine people to fill district court vacancies in Texas, and with yesterday's vote, we have already considered seven of them and confirmed six of them. Mr. Clark's confirmation made the 13th Texas nominee that we have confirmed and the second nominee that we confirmed to the District Court for the Eastern District. With his confirmation, there are no longer any vacancies on the district court for the Eastern District of Texas. With our confirmations earlier this year of Randy Crane and Andrew Hanen to the District Court for the Southern District of Texas, we filled the remaining vacancies in that court as well. We have provided much needed help to the courts in Texas, which are facing large caseloads and some of the highest number of filings of criminal cases in the country.

Under Republican control of the Senate, three Texas judicial nominees never received hearings or votes. The Republican-led Senate failed to provide any hearings on nominees to the Court of Appeals for the Fifth Circuit, which includes Texas, in the six years of their majority during the Clinton Administration. Moreover, they delayed action

or gave no hearings to a number of district court nominees.

It was not long ago when the Senate was under Republican control that it took 943 days to confirm Judge Hilda Tagle to the United States District Court for the Southern District of Texas. She was first nominated in August 1995, but not confirmed until March 1998. When the final vote came, she was confirmed by unanimous consent and without a single negative vote, after having been stalled for almost three years. I recall the nomination of Michael Schattman to a vacancy on the Northern District of Texas. He never got a hearing and was never acted upon, while his nomination languished for over two years. These are district court nominations that could have helped respond to increased filings in the trial courts if acted upon by the Senate over the last several years.

Yesterday's confirmation of Mr. Clark serves as another example of the Democrats' proven record of action and fairness on this President's judicial nominees. Even though Mr. Clark is a conservative Republican, as the Chairman of the Judiciary Committee, I voted to report him out of Committee and I voted to confirm him yesterday, based on his testimony before the Committee and his written word. Far from payback for Republican actions in the recent past, the Democratic-led Senate continues to take action notwithstanding those wrongs and to help solve a vacancy crisis created solely by the Republican obstruction and defeat of more than 50 of President Clinton's nominees.

Despite the right-wing and partisan din about blockades and obstructionism, Democrats are actually achieving almost twice as much as our Republican counterparts did to staff the Federal courts. But let me be clear. We would be even farther along if so many circuit court and district court nominees of the prior administration had not been purposely blocked and defeated, and if we received more timely reviews from the ABA, even a little cooperation from this unilateralist Administration and received the nominations of more moderate, mainstream judicial nominees.

CONFIRMATION OF JUDGE JAMES GARDNER

Mr. LEAHY. Mr. President, with last night's votes on two district court nominees, including Judge James Gardner to the United States District Court for the Eastern District of Pennsylvania, the Senate has confirmed its 79th and 80th new judges since the change in majority last summer. In less than 15 months, we have confirmed more judges than the Republican majority confirmed in its final 30 months in the majority. We have been more than twice as productive as they were and Republicans are nonetheless complaining that we have not worked three

or four times as fast as they did to fill vacancies that their inaction perpetuated. Similarly, in less than 15 months of Democratic control of the Judiciary Committee, we have confirmed more judicial nominees than Republicans did in the first 2 full years they controlled the Senate in 1995 and 1996, combined, and we have confirmed more judges than Republicans allowed to be confirmed in 1999 and 2000 combined. We have been more fair and more expeditious regarding judicial nominations than Republicans were during their prior 6½ years of control of the Senate.

Last night's vote is another example. The Senate has acted quickly on this nomination to the District Court in Pennsylvania. Judge Gardner was nominated at the end of April, received an ABA peer review in July, participated in a hearing in August, was reported out of the Senate Judiciary Committee in September, and was confirmed last night. The Judiciary Committee has held hearings for 11 district court nominees from Pennsylvania and the Senate has now confirmed all 11 of them in just 6 months.

In addition, a Third Circuit nominee, Judge Brooks Smith of Pennsylvania, was also confirmed, although not without controversy based on his record. With the confirmation of 12 judges from Pennsylvania, there is no State that has had more Federal judicial nominees confirmed by this Senate than Pennsylvania. The Senate Judiciary Committee and the Senate as a whole have done well by Pennsylvania. This is in sharp contrast to the way vacancies in Pennsylvania were left unfilled during Republican control of the Senate, particularly regarding nominees in the western half of the State.

Despite the best efforts and diligence of the senior Senator from Pennsylvania, Senator SPECTER, to secure confirmation of all of the judicial nominees from every part of his home State, there were seven nominees by President Clinton to Pennsylvania vacancies were never given a hearing or a vote.

A good example of the contrast between the way the Democrats and Republicans have treated judicial nominees is the case of Judge Legrome Davis, a well qualified and uncontroversial judicial nominee. He was first nominated to the Eastern District of Pennsylvania by President Clinton on July 30, 1998. The Republican-controlled Senate took no action on his nomination and it was returned to the President at the end of 1998. On January 26, 1999, President Clinton re-nominated Judge Davis for the same vacancy. The Senate again failed to hold a hearing for Judge Davis and his nomination was returned after 2 more years.

Under Republican leadership, Judge Davis' nomination languished before the Committee for 868 days without a hearing. Unfortunately, Judge Davis was subjected to the kind of inappropriate partisan rancor that befell so

many other nominees to the district courts in Pennsylvania during the Republican control of the Senate. This year, the Democratic-led Senate moved expeditiously to consider Judge Davis, and he was confirmed in just 84 days. The saga of Judge Davis recalls for us so many nominees from the period of January 1995 through July 10, 2001, who never received a hearing or a vote and who were the subject of secret, anonymous holds by Republicans for reasons that were never explained.

In contrast, the hearing we had earlier this year for Judge Conti was the very first hearing on a nominee to the Western District of Pennsylvania since 1994, despite President Clinton's qualified nominees. It is shocking to me that this was the first hearing on a nominee to that court in 8 full years. No nominee to the Western District of Pennsylvania received a hearing during the entire period that Republicans controlled the Senate in the Clinton administration. In fact, one of the many nominees to the Western District, Lynette Norton, waited for almost 1,000 days, and she was never given the courtesy of a hearing or a vote. Unfortunately, Ms. Norton died earlier this year, having never fulfilled her dream of serving on the Federal bench. With the confirmation of Judge Conti earlier this year, we confirmed the first nominee to the Western District of Pennsylvania since October 1994.

Despite this history of poor treatment of President Clinton's nominees, the Democratic-led Senate continues to move forward fairly and expeditiously. Democrats have reformed the process for considering judicial nominees. For example, we have ended the practice of secretive, anonymous holds that plagued the period of Republican control, when any Republican Senator could hold any nominee from his or her home State, his or her own circuit or any part of the country for any reason, or no reason, without any accountability. We have returned to the Democratic tradition of regularly holding hearings, every few weeks, rather than going for months without a single hearing. In fact, we have held 25 judicial nominations hearings in the past 15 months, and we plan to hold our 26th judicial nomination hearing this coming Monday. We have held a confirmation hearing for judicial nominees every month since the Judiciary Committee was reorganized in July 2001, including two hearings during the August recess in 2001. In contrast, during the 6½ years of Republican control, there were 30 months in which Republicans held no hearings on judicial nominees.

By already holding 25 hearings for 96 of this President's judicial nominees in just 15 months, we have held hearings for more circuit and district court nominees than in 20 of the last 22 years during the Reagan, first Bush, and Clinton administrations.

While some complain that a handful of circuit court nominees have not yet

had hearings, they fail to acknowledge that Democrats have held hearings for more of President Bush's circuit court nominees, 20, than in any of the 6½ years in which the Republicans controlled the Committee before the change in majority last summer. This is more nominees than received hearings in either of the first 2 years of the Clinton administration when the White House and the Senate were controlled by the same party. The fact that Democrats have treated this Republican President just as fairly as Democrats treated a President of their own party with regard to hearings for circuit court nominees is remarkable. Republicans have utterly failed to acknowledge this fairness. The myth of Democratic obstruction of judicial nominees fits the partisan Republican political strategy better than the truth.

The years of Republican inaction on a number of circuit court vacancies has made it possible for Democrats to have several "firsts" in addressing judicial vacancies. For example, we held the first hearing for a nominee to the Sixth Circuit in almost 5 years, that is more than one full presidential term, and confirmed her, even though three of President Clinton's nominees to the Sixth Circuit never received a hearing or a vote. One of those Clinton nominees waited more than 1,500 days and never received a hearing or a vote, up or down, by the Committee.

We held the first hearing on a Fifth Circuit nominee in 7 years, including the entire period of Republican control of the Senate, and confirmed her last year, while three of President Clinton's Fifth Circuit nominees never received hearings or votes on their nominations. We also held the first hearing on a Tenth Circuit nominee in 6 years, and we have confirmed two of President Bush's nominees to the Tenth Circuit, while two of President Clinton's nominees to that circuit never received hearings or votes.

With last night's confirmation of Judge Gardner, the 12th judicial nominee from Pennsylvania to be confirmed in just 15 months, in addition to the other 79 judicial nominees confirmed in this short period, the Democratic-led Senate has had a record-breaking year of progress and fairness in the judicial confirmation process.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred December 10, 2000 in Jacksonville, FL. Three white men, all 20 years old, assaulted a black man.

The victim was walking down the street when the three allegedly said, "There's one, let's get him" before running toward him. The assailants, who sources say met at a white supremacist rally, knocked the victim to the ground, then punched and kicked him.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

Mr. BINGAMAN. Mr. President, I rise today in strong support of the actions taken by the administration to create a viable international regime that stops trade in conflict diamonds, and I encourage the administration to increase their efforts to further expand this regime so it attains an effective and comprehensive level of coordination, certification, monitoring, and enforcement.

The Kimberley process has its origins in a decision by African countries to end trade in diamonds that fuel regional conflict but sustain trade in diamonds that create economic stability. This effort has been supported by a number of countries, non-governmental organizations, and the diamond industry. In March 2002, the principals concluded their last full session, and it is now the responsibility of the countries involved in this process to enact implementing legislation.

A number of Senators and I are currently engaged in discussions with the administration as to what this legislation would look like and what an appropriate vehicle for the legislation would be. I would like the legislation to be more expansive than the administration wants at this time, and I would like the legislation to directly address the problems related to certification and accountability mentioned in a recent GAO report. But that said, I believe the administration is negotiating in good faith, and that they want the same outcome in the end that I do. Thus I fully expect that we will find common ground for action in the next few days. I also fully expect that discussions will continue so we can find appropriate remedies on all the outstanding issues.

I traveled to Africa in August, and I know from my briefings there that trade in conflict diamonds is a despicable practice that must end. It is incredibly disturbing and sad that one of the most promising means to attain real economic growth and political stability in certain areas of Africa—the natural wealth represented by diamonds and the diamond industry—has instead become a deadly tool by which rebel movements can purchase weapons, maim and massacre civilians, destroy communities, overthrow governments, and perpetuate uncertainty. Of equal significance, there is increasing and incontrovertible evidence that

funds from the illicit trade in conflict diamonds are being used by Al-Qaeda to finance terrorism. The problem of conflict diamonds must be confronted, it must be confronted now, and it must be confronted in a way that ends both the brutal violence that is pervasive in Africa and the possibility that conflict diamonds may fund terrorist activities in countries around the world.

In my view, it is incumbent on the United States to play an active and prominent role in creating a framework that ends trade in conflict diamonds. In my view, it is incumbent upon Congress to work with the administration to ensure that this effort occurs. I believe the Kimberley process should move more rapidly toward its stated goals and the more robust goals outlined by the United Nations. But I also understand that multilateral action will be essential for this regime to work, and that multilateral agreements take time to arrange. I am willing to be patient, but only with the understanding that people are dying in Africa at this time and we must help them soon. More delay means more suffering, and we all have to be cognizant of that as we contemplate solutions.

Thus I think it is essential to state on the floor of the Senate today that I stand solidly behind the ongoing effort to end trade in conflict diamonds, and I encourage the administration to continue its effort to create a strong international regime that will engender political stability and economic growth in Africa. I am ready to work intensively with my colleagues and the administration to this end.

I yield the floor.

IN RECOGNITION OF THE 100TH ANNIVERSARY OF 4-H

Mr. DOMENICI. Mr. President, I rise today to celebrate the 100th anniversary of 4-H in America. For 100 years in our great Nation, and since 1911 in New Mexico, 4-H has molded generations of involved citizens and leaders, providing an enduring contribution to the development of America's youth.

This organization, rooted in hands on learning, grew from the interest of seven boys from Doña Ana County in each planting a pound of seed corn they acquired from the New Mexico College of Agriculture and Mechanic Arts, now New Mexico State University. This 1911 experiment was the first of a growing number of activities of this kind in rural communities around the territory that led to the establishment of precursor 4-H clubs in schools, led by teachers. Local merchants, bankers and farmers began the organization's long history of community support by donating prize money, goods and expertise to the young peoples' activities. The 1912 State fair saw the first ever competition between 4-H club members, who earned premiums for prize-winning corn, kafir corn, milo, peanuts, bread and sewing.

Today, New Mexico 4-H boasts more than 50,000 members, part of the 6.4

million youth involved globally in what is the world's largest youth organization. Though 4-H maintains its rural and agricultural roots, its leadership development activities have shown even broader influence as the organization has adapted to changing times. I am proud of the unique and remarkable way New Mexico's 4-H clubs teach responsibility, decision-making, communication skills and citizenship, all key ingredients to purposeful lives and strong communities. Through hands-on experience, 4-Hers learn what it takes to follow a project through to completion, keep records, and make presentations to others about their work. Whether it is baking, showing or judging livestock at the fair, sewing or public speaking, club members are challenged to set and achieve goals, find creative solutions to problems, overcome obstacles along the way, and demonstrate their progress to others.

I would also like to take this opportunity to commend the parents and community leaders of 4-H. Those who donate time, expertise and assistance to 4-H are often alumni who appreciate the lessons they learned in their clubs, and this has created the legacy of involvement that makes the organization so strong after 100 years. The mentorship and wealth of experience these leaders provide produce the tangible results we see in exhibits at the fair and community projects. However, they also sow the seeds of confident leadership and citizenship that may not reach full bloom until later in a member's life. I am also extremely proud to continue supporting 4-H's Share/Care afterschool program and the Rio Arriba County Clover Club, which have proven invaluable in giving young people the chance to get involved in fun, educational activities instead of drugs.

The long, proud record of 4-H in New Mexico, the United States, and around the world is testimony to the enduring viability of this organization and its central values, firmly rooted in our hard-working rural and agricultural communities. I would like to take this opportunity to reaffirm the valuable contribution of 4-H's "head, heart, health and hands," to New Mexico's youth and the very fabric of our society. It is a great pleasure to celebrate the national centennial of 4-H, and I congratulate this organization on beginning another century of "making the best better."

THE ELDER JUSTICE ACT OF 2002

Mr. BURNS. Mr. President, I rise today to support a bipartisan bill to end the longstanding and pervasive problem of elder abuse, the Elder Justice Act of 2002. To care for the aging population in this Nation has been pushed aside for too long. This comprehensive measure centralizes the oversight of elder justice in one Federal office; all while listening to the differing needs of States and localities.

To take proactive steps to prevent abuse from occurring, this bill calls for widespread training and maintenance of a national clearinghouse of information. This includes studies, statistics, and a broad review of State practices to ensure adequate protection of our aging population. This bill also deals with abuse after it has occurred, and significantly reforms the security, prosecution, and safe-havens available for seniors.

Most importantly, this bill sets an important precedent: the unspeakable and innumerable accounts of violence against seniors will finally have a long-overdue response from the U.S. Senate. Once again, I appreciate the work and leadership of Senators BREAUX and HATCH, and I am proud to join as a cosponsor of this legislation.

ADDITIONAL STATEMENTS

CONGRATULATIONS TO THE CALDWELL COUNTY FFA

• Mr. BUNNING. Mr. President, I rise today to honor and congratulate the Caldwell County High School Future Farmers of America, FFA, chapter.

The Caldwell chapter has been selected as one of 10 finalists in the country for student development and will compete to be one of three top Models of Innovation at the 75th National FFA Convention in Louisville, KY.

Across the Nation, FFA chapters are rated according to a star system. The Caldwell High School FFA chapter was one of only 103 FFA chapters across the entire United States to receive the highest rating of three stars. This was the first time this chapter ever achieved a three star rating.

All 122 FFA students at Caldwell County High School deserve special recognition for their hard work and innovative spirit. The agricultural industry today needs and deserves folks like the ones at Caldwell County High School. I am confident that this group of young men and women will help further transform the agricultural industry and take innovation to a new level.

RECOGNIZING SPORTSMEN'S IMPACT ON OUR ECONOMY

• Mrs. LINCOLN. Mr. President, earlier this week I was proud to represent the Congressional Sportsmen's Caucus in a press conference to announce the results of the 2001 National Survey of Fishing, Hunting, and Wildlife Associated Recreation. This report confirms something that many of us have believed for some time, that hunting and fishing are an integral part of the fabric of this Nation and an essential part of our economy.

I was joined in this announcement by Secretary of the Interior Gale Norton; Director of the U.S. Fish and Wildlife Service Steve Williams; Melinda Gable with the Congressional Sportsmen's

Foundation; Brent Manning with the International Association of Fish and Wildlife Agencies; Mike Nussman with the American Sportfishing Association; and Doug Painter with National Shooting Sports Foundation.

Hunting and fishing are an important part of people's lives in my home State of Arkansas and all around the country. It is an activity that brings friends and families together and the impressive statistics that the U.S. Fish and Wildlife Service is releasing today are hard for those of us in Congress to ignore. As an avid sportswoman myself, I understand first-hand the importance that should be placed on promoting and preserving our ability to hunt, fish, and pursue outdoor activities. In fact, one of my fondest memories is of sitting with my father, brother, and sisters in a duck blind as the sun rose over the Arkansas Delta. And now, I get the joy of taking my boys outdoors to go fishing and hunting.

I first joined the Congressional Sportsmen's Caucus because of my lifelong love of the outdoors and my commitment that as sportsmen, we have a duty to protect and provide for sustainable uses of America's renewable wildlife resources. And now as the cochair of the Congressional Sportsmen's Caucus, I, along with my colleagues, am working to enact legislation to provide ample resources to conserve wildlife and America's rich tradition of outdoor recreation.

Wildlife and our Nation's lands and waters are the foundation for our outdoor recreation as well as the ecosystems in which we survive. A perfect example of this is Arkansas' RICE, Rice Industry Caring for the Environment, project, where farmers voluntarily set aside 171,000 acres of farmland to provide for waterfowl habitat which in turn provides enormous environmental benefits.

The survey shows that last year over 1.4 million Arkansans and 38 million Americans went hunting, fishing, or wildlife watching. And that translated into over \$1 billion to Arkansas' economy and a whopping \$108 billion impact on this Nation's economy. It also shows that over 20,000 Arkansans and well over 1 million nationally are employed directly in hunting and fishing related businesses.

Those numbers show that hunting and fishing are not just worthwhile pastimes, they're big business, too.

On top of that, in 2001 Arkansas' sportsmen paid over \$112 million in State and federal taxes. And nationwide, sportsmen paid in over \$11.4 billion. That's \$11.4 billion going to fund many of our most pressing national priorities such as our national defense, education, highway construction, and conservation programs.

We must continue to recognize the American sportsman's impact on this nation's economy and protect our outdoor legacy for future generations. And I look forward to continued work with

my colleagues in the Senate to promote and preserve our ability to hunt, fish, and pursue outdoor activities.

I encourage each of my colleagues to take note of this survey's results and the direct impact of sportsmen and sportswomen on his or her State's economy.●

CONGRATULATIONS TO HUNT DOWNER

● Ms. LANDRIEU. Mr. President, I rise today to congratulate Hunt Downer of Houma, LA, for his Senate confirmation to the rank of Brigadier General in the Army National Guard. I have known General Downer for years, and I know he will make an excellent member of the general officer corps. Moreover, he will serve with great competence, skill, and leadership in the Louisiana Army National Guard.

General Hunt Downer epitomizes the Citizen Soldier and has dedicated his life to public service. Not only has Hunt had a long and successful career in the Louisiana National Guard, but Hunt has served in the Louisiana House of Representatives since 1975. During that time, he has always been an advocate for his constituents and the entire State of Louisiana. I served with Hunt in the House of Representatives, where I gained great respect for him. Moreover, he was respected by his peers because they chose him to serve as the Speaker of the House of Representatives. Despite the pressures on his time stemming from his commitments to the Louisiana National Guard and his duties as an elected official, Hunt also runs a successful legal practice in Houma, LA.

Most importantly, Hunt Downer has a wonderful family. I know they must be proud of Hunt. So today, I also want to congratulate Hunt's wife, Linda Lee, and his children, Mary and Blair.●

TRIBUTE TO DEBBIE FOWLER

● Mr. ALLARD. Mr. President, I would like to take a moment to recognize a woman who last week went to work like she does every day, but returned home as a hero.

Debbie Fowler serves at the Veterans Administration Medical Clinic in Colorado Springs as the Homeless Program Assistant. On Tuesday, September 24, Debbie made a call to a VA clinic in Arizona trying to locate some hospital records of a gentleman who had just checked into Debbie's place of work. Her phone call confirmed that the man who had just entered the clinic was wanted for at least 14 sexual assaults in Arizona, California, Oklahoma, and Nevada.

Knowing the type of criminal that was in her midst, Debbie was told by U.S. Marshals over the telephone to keep him in the clinic. With remarkable poise, Ms. Fowler was able to persuade the man to stay. Local police soon arrived at the clinic and apprehended the man, and commended

Debbie for a job well done. Families of the victims have called Debbie a hero for what she did, and I concur. Although this woman humbly declined that title, I would like to thank Ms. Fowler for her efforts and her bravery.●

IN CELEBRATION OF THE CITY OF MOUNTAIN VIEW'S 100TH ANNIVERSARY

● Mrs. BOXER. Mr. President, I wish to take this opportunity to recognize the 100th Anniversary of the city of Mountain View in my home State of California.

The city of Mountain View began as a stagecoach stop and agricultural center for the Santa Clara Valley. Like other areas in the Santa Clara Valley, Mountain View was once filled with bountiful orchards and vineyards. When Mountain View was incorporated as a city in 1902, there were fewer than one thousand residents living there; today there are 72,200. The population grew after World War II alongside the electronic and aerospace industries. Today, Mountain View is located in the heart of California's Silicon Valley, the technology capital of the world. From orchard and vineyard country to high tech mecca, Mountain View has been part of the rich history of California.

Mountain View combines innovative development efforts with a commitment to strong and diverse neighborhoods and resident involvement. In recent years, Mountain View has received three awards for outstanding city planning, including two at the national level. The American Planning Association, APA, gave Mountain View the "Outstanding Planning Award for Implementation" in honor of the city's Integrated Transit Oriented Development. Mountain View received a wonderful honor when these transit projects were selected to be part of a special exhibit at the Winter Olympics. The exhibit highlighted state-of-the-art architecture, urban design and transportation projects from cities throughout the world. And California's Local Government Commission awarded Mountain View the 2001-2002 Ahwahnee Award Certificate of Merit for Integrated Transit Oriented Development that "reflects the continued evolution toward more livable and sustainable communities."

I am delighted that Mountain View has been recognized around the nation as an outstanding place to live. While the city receives national attention, it also has been recognized around the San Francisco Bay Area for a wide array of neighborhood parks, the Shoreline at Mountain View regional park created from reclaimed landfill, a civic center that includes the Mountain View Center for the Performing Arts, a state-of-the-art library and the Shoreline Amphitheatre. Mountain View's community pride is also evident by the locally organized neighborhood associations that exist to address resident needs. This local pride is one of

the things that makes this city such a California treasure.

I am thrilled that the city of Mountain View, its local government and its residents maintain such a strong community spirit while its high-tech companies provide new products to change the way we live. The city's mission statement, to "provide quality services and facilities that meet the needs of a caring and diverse community in a financially responsible manner," could not be more appropriate. I hope the people of Mountain View enjoy this community-wide centennial celebration, and I wish them another 100 years of success.●

MESSAGES FROM THE HOUSE

At 1:27 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 112. A joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 476. Concurrent resolution expressing support for the goals and ideas of a day of tribute to all firefighters who have died in the line of duty and recognizing the important mission of the National Fallen Firefighters Foundation in assisting family members to overcome the loss of their fallen heroes.

At 4:57 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 4628) to authorize appropriations for fiscal year 2003 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as managers of the conference on the part of the House: From the Permanent Select Committee on Intelligence, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Mr. GOSS, Mr. BEREUTER, Mr. CASTLE, Mr. BOEHLERT, Mr. GIBBONS, Mr. LAHOOD, Mr. CUNNINGHAM, Mr. HOEKSTRA, Mr. BURR of North Carolina, Mr. CHAMBLISS, Mr. EVERETT, Ms. PELOSI, Mr. BISHOP, Ms. HARMAN, Mr. CONDIT, Mr. ROEMER, Mr. REYES, Mr. BOSWELL, Mr. PETERSON of Minnesota, and Mr. CRAMER. From the Committee on Armed Services, for consideration of defense tactical intelligence and related activities: Mr. STUMP, Mr. HUNTER, and Mr. SKELTON.

The message also announced that the Speaker appoints the following Member as an additional conferee in the

conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4) to enhance energy conservation, research and development and to provide for security and diversity in the energy supply for the American people, and for other purposes:

From the Committee on Resources, from consideration of the House bill and the Senate amendment, and modifications committed to conference.

ENROLLED JOINT RESOLUTION SIGNED

At 5:42 p.m., a message from the House of Representatives, delivered by one of its clerks, announced that the Speaker has signed the following enrolled bill:

H.J. Res. 112. A joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

The enrolled joint resolution was signed subsequently by the President pro tempore (Mr. BYRD).

MEASURES PLACED ON THE CALENDAR

The following bills and joint resolutions were read the second time, and placed on the calendar:

H.R. 3534. An act to provide for the settlement of certain land claims of Cherokee, Choctaw, and Chickasaw Nations to the Arkansas Riverbed in Oklahoma.

H.R. 4793. An act to authorize grants through the Centers for Disease Control and Prevention for mosquito control programs to prevent mosquito-borne diseases.

S.J. Res. 46. Joint resolution to authorize the use of United States Armed Forces against Iraq.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 2608: A bill to amend the Coastal Zone Management Act of 1972 to authorize the acquisition of coastal areas in order better to ensure their protection from conversion or development. (Rept. No. 107-296).

By Mr. INOUE, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 958: A bill to provide for the use and distribution of the funds awarded to the Western Shoshone identifiable group under Indian Claims Commission Docket Numbers 326-A-1, 326-A-3, 326-K, and for other purposes. (Rept. No. 107-297).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DASCHLE (for himself and Mr. JOHNSON):

S. 3036. A bill to establish a commission to assess the performance of the civil works

functions of the Secretary of the Army; to the Committee on Environment and Public Works.

By Mr. JEFFORDS:

S. 3037. A bill to amend the Federal Water Pollution Control Act to improve protection of treatment works from terrorists and other harmful intentional acts, and for other purposes; to the Committee on Environment and Public Works.

By Mr. JEFFORDS (for himself and Mr. SMITH of New Hampshire):

S. 3038. A bill to amend the Lacey Act Amendments of 1981 to further the conservation of certain wildlife species; to the Committee on Environment and Public Works.

By Mr. WYDEN:

S. 3039. A bill to designate certain conduct by sports agents relating to the signing of contracts with student athletes as unfair and deceptive acts or practices to be regulated by the Federal Trade Commission; to the Committee on Commerce, Science, and Transportation.

By Mr. KENNEDY (for himself and Mr. KERRY):

S. 3040. A bill to direct the Secretary of the Interior to conduct a study on the suitability and feasibility of designating certain historic buildings and areas in Taunton, Massachusetts, as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HATCH:

S. 3041. A bill to require the Secretary of Health and Human Services to conduct a study and submit a report to Congress on new technology payments under the Medicare prospective payment system for hospital outpatient department services; to the Committee on Finance.

By Mr. HATCH:

S. 3042. A bill to provide for the recognition of new medical technologies under the Medicare inpatient hospital prospective payment system; to the Committee on Finance.

By Mr. HATCH:

S. 3043. A bill to provide for an extension of the social health maintenance organization (SHMO) demonstration project; to the Committee on Finance.

By Mr. DURBIN (for himself and Mr. VOINOVICH):

S. 3044. A bill to authorize the Court Services and Offender Supervision Agency of the District of Columbia to provide for the interstate supervision of offenders on parole, probation, and supervised release; to the Committee on Governmental Affairs.

By Mrs. CLINTON (for herself and Mr. SCHUMER):

S. 3045. A bill to amend the Federal Water Pollution Control Act to provide for the protection and enhancement of the environmental integrity and the social and economic benefits of the Finger Lakes Region in the State of New York; to the Committee on Environment and Public Works.

By Mr. CRAIG:

S. 3046. A bill to provide for the conveyance of Federal land in Sandpoint, Idaho, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CRAIG:

S. 3047. A bill to authorize the Secretary of Agriculture to sell or exchange all or part of certain parcels of National Forest System land in the State of Idaho and use the proceeds derived from the sale or exchange for National Forest System purposes; to the Committee on Energy and Natural Resources.

By Mr. FRIST (for himself, Mr. KENNEDY, Mr. ENZI, Mr. JOHNSON, Mrs. MURRAY, Mrs. CLINTON, and Mr. ROBERTS):

S. 3048. A bill to amend the Public Health Service Act to add requirements regarding

trauma care, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ALLEN:

S. 3049. A bill to prohibit the Administrator of the Environmental Protection Agency from issuing or renewing certain national pollutant discharge elimination system permits; to the Committee on Environment and Public Works.

By Mr. HATCH:

S. 3050. A bill to provide multiparty, multi-form jurisdiction of district courts, and for other purposes; to the Committee on the Judiciary.

By Mr. HATCH:

S. 3051. A bill to extend H-1B status for aliens with lengthy adjudications; to the Committee on the Judiciary.

By Mr. HATCH:

S. 3052. A bill to increase scholarship assistance under the Police Corps program, and for other purposes; to the Committee on the Judiciary.

By Mr. HATCH:

S. 3053. A bill to provide immigration benefits, and for other purposes; to the Committee on the Judiciary.

By Mr. LIEBERMAN (for himself, Mr. FEINGOLD, Mr. DURBIN, Mr. KENNEDY, Mr. JEFFORDS, and Mr. SCHUMER):

S. 3054. A bill to provide for full voting representation in Congress for the citizens of the District of Columbia, and for other purposes; to the Committee on Governmental Affairs.

By Mrs. CLINTON (for herself and Mr. SCHUMER):

S. 3055. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to modify the terms of the community disaster loan program, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CORZINE (for himself and Mr. DEWINE):

S. 3056. A bill to amend title 23, United States Code, to increase penalties for individuals who operate motor vehicles while intoxicated or under the influence of alcohol; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. NELSON of Florida:

S. Con. Res. 149. A concurrent resolution recognizing the teams and players of the Negro Baseball Leagues for their achievements, dedication, sacrifices, and contributions to baseball and the Nation; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 582

At the request of Mr. GRAHAM, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 582, a bill to amend titles XIX and XXI of the Social Security Act to provide States with the option to cover certain legal immigrants under the Medicaid and State children's health insurance program.

S. 724

At the request of Mr. BOND, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S.

724, a bill to amend title XXI of the Social Security Act to provide for coverage of pregnancy-related assistance for targeted low-income pregnant women.

S. 917

At the request of Ms. COLLINS, the names of the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from Illinois (Mr. FITZGERALD) were added as cosponsors of S. 917, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. 1226

At the request of Mr. CAMPBELL, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1226, a bill to require the display of the POW/MIA flag at the World War II Memorial, the Korean War Veterans Memorial, and the Vietnam Veterans Memorial.

S. 1739

At the request of Mr. CLELAND, the names of the Senator from Maine (Ms. SNOWE) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 1739, a bill to authorize grants to improve security on over-the-road buses.

S. 2488

At the request of Mr. BROWNBACK, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 2488, a bill to establish a commission to conduct a comprehensive review of Federal agencies and programs and to recommend the elimination or realignment of duplicative, wasteful, or outdated functions, and for other purposes.

S. 2596

At the request of Mrs. BOXER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2596, a bill to amend the Internal Revenue Code of 1986 to extend the financing of the Superfund.

S. 2750

At the request of Mr. CONRAD, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 2750, a bill to improve the provision of telehealth services under the medicare program, to provide grants for the development of telehealth networks, and for other purposes.

S. 2776

At the request of Mr. BINGAMAN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 2776, a bill to provide for the protection of archaeological sites in the Galisteo Basin in New Mexico, and for other purposes.

S. 2826

At the request of Mr. REID, his name was added as a cosponsor of S. 2826, a bill to improve the national instant criminal background check system, and for other purposes.

S. 2844

At the request of Mr. ROCKEFELLER, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2844, a bill to amend the Internal Revenue Code of 1986 to provide a tax incentive to individuals teaching in elementary and secondary schools located in rural or high unemployment areas and to individuals who achieve certification from the National Board for Professional Teaching Standards, and for other purposes.

S. 2869

At the request of Mr. KERRY, the names of the Senator from Ohio (Mr. DEWINE), the Senator from Utah (Mr. HATCH) and the Senator from Georgia (Mr. MILLER) were added as cosponsors of S. 2869, a bill to facilitate the ability of certain spectrum auction winners to pursue alternative measures required in the public interest to meet the needs of wireless telecommunications consumers.

S. 2933

At the request of Mr. BREAUX, the name of the Senator from Nebraska (Mr. NELSON) was withdrawn as a cosponsor of S. 2933, a bill to promote elder justice, and for other purposes.

S. 2933

At the request of Mr. BREAUX, the names of the Senator from Florida (Mr. NELSON) and the Senator from Montana (Mr. BURNS) were added as cosponsors of S. 2933, *supra*.

S. 2943

At the request of Mr. FEINGOLD, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2943, a bill to amend title 9, United States Code, to provide for greater fairness in the arbitration process relating to livestock and poultry contracts.

S. 2968

At the request of Mr. SARBANES, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2968, a bill to amend the American Battlefield Protection Act of 1996 to authorize the Secretary of the Interior to establish a battlefield acquisition grant program.

S. 3009

At the request of Mr. WELLSTONE, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 3009, a bill to provide economic security for America's workers.

S. 3012

At the request of Mr. DODD, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 3012, a bill to amend the Internal Revenue Code of 1986 to exclude from income and employment taxes and wage withholding property tax rebates and other benefits provided to volunteer firefighters and emergency medical responders.

S. 3016

At the request of Mr. DASCHLE, the names of the Senator from Oregon (Mr. SMITH), the Senator from South Da-

kota (Mr. JOHNSON) and the Senator from Georgia (Mr. CLELAND) were added as cosponsors of S. 3016, a bill to amend the Farm Security and Rural Investment act of 2002 to require the Secretary of Agriculture to establish research, extension, and educational programs to implement biobased energy technologies, products, and economic diversification in rural areas of the United States.

S.J. RES. 46

At the request of Mr. LIEBERMAN, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. J. Res. 46, a joint resolution to authorize the use of United States Armed Forces against Iraq.

S. RES. 307

At the request of Mr. TORRICELLI, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. Res. 307, a resolution reaffirming support of the Convention on the Prevention and Punishment of the Crime of Genocide and anticipating the commemoration of the 15th anniversary of the enactment of the Genocide Convention Implementation Act of 1987 (the Proxmire Act) on November 4, 2003.

S. CON. RES. 142

At the request of Mr. SMITH of Oregon, the names of the Senator from Illinois (Mr. FITZGERALD), the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Virginia (Mr. ALLEN) and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of S. Con. Res. 142, a concurrent resolution expressing support for the goals and ideas of a day of tribute to all firefighters who have died in the line of duty and recognizing the important mission of the Fallen Firefighters Foundation in assisting family members to overcome the loss of their fallen heroes.

S. CON. RES. 147

At the request of Mr. BURNS, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. Con. Res. 147, a concurrent resolution encouraging improved cooperation with Russia on energy development issues.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DASCHLE (for himself and Mr. JOHNSON):

S. 3036. A bill to establish a commission to assess the performance of the civil works functions of the Secretary of the Army; to the Committee on Environment and Public Works.

Mr. DASCHLE. Mr. President, today I am introducing, with my colleagues Senator JOHNSON, legislation to investigate and hopefully change the culture of disregard for environmental values that infects the Corps of Engineers' management of America's great rivers. My own experiences in South Dakota and my discussions with many of my

constituents and others around the Nation have led me to conclude that protecting the future health of our Nation's waterways demands that Congress consider relieving the Corps of its current river management responsibilities.

For the last decade, I have watched as the Corps has steadfastly refused to change its management of the Missouri River to reflect the environmental and economic needs of the 21st century. The agency's refusal to change the management of the river will further jeopardize endangered species, drive river-dependent businesses into bankruptcy, and lead to further erosion of Native American burial and cultural sites along its banks. As a Senator from South Dakota and as a citizen of that State who enjoys hunting and fishing along the Missouri, I share the sense of betrayal that so many upstream residents feel watching the Corps' management slowly degrade this once thriving river.

Last spring, just when sport fish were spawning and the State was facing its worst drought in decades, the Corps began to drain the reservoirs to provide water for navigation downstream. This prompted lawsuits by South Dakota, North Dakota, and Montana to force the Corps to bring common-sense management to the river. Since then, boat ramps have become unusable, while some river-based businesses have lost tens of thousands of dollars.

There is no legitimate reason for further delay in reforming management of the Missouri River. For more than a decade, the Corps has spent millions of dollars revising its operating plan for water flows on the Missouri River, the Master Manual. An overwhelming amount of scientific and technical data all point to the same conclusions: the management of the river should more closely mimic the natural flow regime. Flows should be higher in the spring, and lower in the summer, just as they nature. Yet in June, the Corps indefinitely delayed the release of the new Master Manual due to pressure from the White House.

The mismanagement of the Missouri River is illustrative of a larger problem. For example, a study of proposed upper-Mississippi lock expansion has to be retooled after the Corps whistle blower showed that the study was rigged to provide an economic justification for that billion-dollar project. A broad pattern of disregard by the Corps for environmental priorities throughout the nation's waterways is now evident. In addition, the corps has been shown time and again its unwillingness to work effectively with members of the public, States, tribes, or stakeholders to resolve ongoing challenges.

Indeed, more than ever, the Corps appears mired in the past, incapable of assimilating new scientific and economic information into its management scheme, and, consequently, failing the people and wildlife that depend on the

sound stewardship of America's rivers. The time has come to ask tough questions about the institutional barriers within the Corps, and the influence of special interests, that prevent it from effectively meeting the Nation's river management needs. The time has come to ask whether those responsibilities are better left to others. This ongoing situation presents a compelling case for a thorough, independent review of the agency's operations and management, and for serious reform. Indeed, many of my Senate colleagues have introduced legislation to accomplish certain reforms, and I, along with others have made it clear that we will fight any effort to pass additional authorizations unless they are accompanied by serious, meaningful Corps reform.

Our Nation needs a river management program that is environmentally and economically sound. History does not offer much room for confidence that the Army Corps of Engineers can meet this standard under its current management structure. The management of the Missouri River, the Mississippi River, and other major waterways presents a compelling case for a thorough, independent review of the agency's operations and management, and for serious reform.

I am introducing legislation today to establish an independent Corps of Engineers River Stewardship Investigation and Review Commission. The commission will take a hard and systematic look at the agency's stewardship of our Nation's rivers and make recommendations to Congress on needed reforms. It will examine a number of issues, including Corps compliance with environmental and Indian cultural resource protection laws; the quality and objectivity of the agency's scientific and economic analysis, the Corps' cooperation with Federal agencies, States, and tribes; whether congress needs to amend river planning laws and regulations; and, ultimately, whether the Corps' river management responsibilities should be transferred to a federal civilian agency.

I urge my colleagues to review this legislation.

It is my hope that all those who care about the mission of preserving our Nation's waterways will support this effort to identify and implement whatever reforms are necessary to fulfill that mission. I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3036

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Corps of Engineers River Stewardship Independent Investigation and Review Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) COMMISSION.—The term "Commission" means the Corps of Engineers River Steward-

ship Independent Investigation and Review Commission established under section 3(a).

(2) INDIAN TRIBE.—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(3) SESSION DAY.—The term "session day" means a day on which both Houses of Congress are in session.

SEC. 3. ESTABLISHMENT OF COMMISSION.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the President shall establish a commission to be known as the "Corps of Engineers River Stewardship Independent Investigation and Review Commission".

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of not to exceed 22 members, and shall include—

(A) individuals appointed by the President to represent—

- (i) the Department of the Army;
- (ii) the Department of the Interior;
- (iii) the Department of Justice;
- (iv) environmental interests;
- (v) hydropower interests;
- (vi) flood control interests;
- (vii) recreational interests;
- (viii) navigation interests;
- (ix) the Council on Environmental Quality;

and

(x) such other affected interests as are determined by the President to be appropriate;

(B) 6 governors from States representing different regions of the United States, as determined by the President; and

(C) 6 representatives of Indian tribes representing different regions of the United States, as determined by the President.

(2) DATE OF APPOINTMENTS.—The appointment of a member of the Commission shall be made not later than 180 days after the date of enactment of this Act.

(c) TERM; VACANCIES.—

(1) TERM.—A member shall be appointed for the life of the Commission.

(2) VACANCIES.—A vacancy on the Commission—

(A) shall not affect the powers of the Commission; and

(B) shall be filled in the same manner as the original appointment was made.

(d) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold the initial meeting of the Commission.

(e) MEETINGS.—The Commission shall meet at the call of the Chairperson.

(f) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(g) CHAIRPERSON AND VICE CHAIRPERSON.—

(1) IN GENERAL.—The President shall select a Chairperson and Vice Chairperson from among the members of the Commission.

(2) NO CORPS REPRESENTATIVE.—The Chairperson and the Vice Chairperson shall not be representatives of the Department of the Army (including the Corps of Engineers).

SEC. 4. INVESTIGATION OF CORPS OF ENGINEERS.

Not later than 2 years after the date of enactment of this Act, the Commission shall complete an investigation and submit to Congress a report on the management of rivers in the United States by the Corps of Engineers, with emphasis on—

(1) compliance with environmental laws in the design and operation of river management projects, including—

(A) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(C) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(2) compliance with the cultural resource laws that protect Native American graves, traditional cultural properties, and Native American sacred sites in the design and operation of river management projects, including—

(A) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

(B) the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.);

(C) the Native American Graves Protection Act and Repatriation Act (25 U.S.C. 3001 et seq.);

(D) Executive Order 13007 (61 Fed. Reg. 26771; relating to Indian sacred sites);

(E) identification of opportunities for developing tribal cooperative management agreements for erosion control, habitat restoration, cultural resource protection, and enforcement;

(F) review of policy and guidance regarding nondisclosure of sensitive information on the character, nature, and location of traditional cultural properties and sacred sites; and

(G) review of the effectiveness of government-to-government consultation by the Corps of Engineers with Indian tribes and members of Indian tribes in cases in which the river management functions and activities of the Corps affect Indian land and Native American natural and cultural resources;

(3) the quality and objectivity of scientific, environmental, and economic analyses by the Corps of Engineers, including the use of independent reviewers of analyses performed by the Corps;

(4) the extent of coordination and cooperation by the Corps of Engineers with Federal and State agencies (such as the United States Fish and Wildlife Service) and Indian tribes in designing and implementing river management projects;

(5) the extent to which river management studies conducted by the Corps of Engineers fairly and effectively balance the goals of public and private interests, such as wildlife, recreation, navigation, and hydropower interests;

(6) whether river management studies conducted by the Corps of Engineers should be subject to independent review;

(7) whether river planning laws (including regulations) should be amended; and

(8) whether the river management functions of the Corps of Engineers should be transferred from the Department of the Army to a Federal civilian agency.

SEC. 5. POWERS.

(a) **HEARINGS.**—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this Act.

(b) **INFORMATION FROM FEDERAL AGENCIES.**—

(1) **IN GENERAL.**—The Commission may secure directly from a Federal department or agency such information as the Commission considers necessary to carry out this Act.

(2) **PROVISION OF INFORMATION.**—On request of the Chairperson of the Commission, the head of the department or agency shall provide the information to the Commission.

(c) **POSTAL SERVICES.**—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) **GIFTS.**—The Commission may accept, use, and dispose of gifts or donations of services or personal property.

SEC. 6. COMMISSION PERSONNEL MATTERS.

(a) **COMPENSATION OF MEMBERS.**—

(1) **NON-FEDERAL EMPLOYEES.**—A member of the Commission who is not an officer or em-

ployee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission.

(2) **FEDERAL EMPLOYEES.**—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

(b) **TRAVEL EXPENSES.**—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(c) **STAFF.**—

(1) **IN GENERAL.**—The Chairperson of the Commission may, without regard to the civil service laws (including regulations), appoint and terminate an executive director and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(2) **CONFIRMATION OF EXECUTIVE DIRECTOR.**—The employment of an executive director shall be subject to confirmation by the Commission.

(3) **COMPENSATION.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), the Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(B) **MAXIMUM RATE OF PAY.**—The rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(d) **DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.**—

(1) **IN GENERAL.**—An employee of the Federal Government may be detailed to the Commission without reimbursement.

(2) **CIVIL SERVICE STATUS.**—The detail of the employee shall be without interruption or loss of civil service status or privilege.

(e) **PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.**—The Chairperson of the Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act \$5,000,000 for each of fiscal years 2003 through 2005, to remain available until expended.

SEC. 8. TERMINATION OF COMMISSION.

The Commission shall terminate on the date on which the Commission submits the report to Congress under section 4(a).

By Mr. JEFFORDS:

S. 3037. A bill to amend the Federal Water Pollution Control Act to improve protection of treatment works from terrorists and other harmful intentional acts, and for other purposes; to the Committee on Environment and Public Works.

Mr. JEFFORDS. Mr. President, I rise today to introduce the Wastewater Treatment Works Security Safety Act. This legislation provides for the safety and security of our Nation's wastewater treatment works by providing needed funds to conduct vulnerability assessments and implement security improvements. In addition, this bill will ensure long-term safety and security by providing funds for researching innovative technologies and enhancing proven vulnerability assessment tools already in use.

Since the terrible events of September 11, we have taken several comprehensive steps to protect our water supplies and infrastructure. Almost a year ago, I spoke on the many initiatives taking place in the Committee on Environment and Public Works and at the Environmental Protection Agency. I am pleased to say that we have made some progress.

EPA worked with State and local governments to expeditiously provide guidance on the protection of drinking water facilities from terrorist attacks. Based on the recommendations of Presidential Decision Directive 63, issued by President Clinton in 1998, the Environmental Protection Agency and its industry partner, the Association of Metropolitan Water Agencies, established a communications system, a water infrastructure Information Sharing and Analysis Center, designed to provide real-time threat assessment data to water utilities throughout the nation.

Earlier this year, Senator SMITH and I worked to include the authorization of \$160 million for vulnerability assessments at drinking water facilities as part of the Bioterrorism bill. Despite our advocacy during the conference, we were unable to include a provision in that bill for wastewater facilities due to jurisdictional issues in the House.

While these initial efforts are essential, our task is by no means finished. We cannot forget the vital importance of protecting our Nation's wastewater facilities. Everyday we take for granted the hundreds of thousands of miles of pipes buried under ground and the thousands of wastewater treatment works that keep our water clean and safe. But, like all our Nation's critical infrastructure, the disruption or destruction of these structures could have a devastating impact on public safety and health.

The legislation I am introducing today will take us one step further by authorizing support of ongoing efforts to develop and implement vulnerability assessments and emergency response plans at wastewater facilities.

Using existing tools such as the Sandi Laboratory's vulnerability assessment tool or the Association of Metropolitan Sewerage Association's Vulnerability Self-Assessment Tool, treatment works will be able to securely identify critical areas of need. With the funds provided by this bill, EPA will also ensure that treatment

works remedy areas of concerns. Using the results of the vulnerability assessment, treatment works will develop or revise emergency response plans to minimize damage if an attack were to occur.

This bill authorizes \$185 million for fiscal years 2003 through 2007 for grants to conduct the vulnerability assessments and implement basic security enhancements. The bill also recognizes the need to address immediate and urgent security needs with a special \$20 million authorization over 2003 and 2004.

In my home State of Vermont, we have only three towns of over 25,000 people. The small water facilities serving these communities have been particularly challenged to meet today's new homeland security challenges. Many times, water managers operate the town's water facilities as a part-time job or even as a free service. We must ensure that they are afforded the same consideration under this act as the medium and large facilities. This bill authorizes \$15 million for grants to help small communities conduct vulnerability assessments, develop emergency response plans, and address potential threats to the treatment works. It also instructs the Administrator of the EPA to provide guidance to these communities on how to effectively use these security tools.

To ensure the continued development of wastewater security technologies, the Wastewater Treatment Works Security and Safety Act authorizes \$15 million for research for 2003 and 2007. It also provides \$500,000 to refine vulnerability self-assessment tools already in existence.

I am proud to say that the Association of Metropolitan Sewerage Agencies has endorsed the Wastewater Treatment Works Security Act. AMSA represents our nation's wastewater treatment works serving large cities. They have been an invaluable partner in the drafting of this bill, and I thank them sincerely for their support. I ask unanimous consent that their letter of support be entered into the RECORD.

I look forward to working with my colleagues on this legislation and other efforts to enhance the security of our Nation's water infrastructure in the weeks, months, and years to come. We truly have something to protect—clean, safe, fresh water is worth our investment.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ASSOCIATION OF METROPOLITAN
SEWERAGE AGENCIES,
Washington, DC, October 1, 2002.

Hon. JAMES JEFFORDS,
Chairman, Environment and Public Works Committee,
U.S. Senate, Senate Hart Office Building,
Washington, DC.

DEAR SENATOR JEFFORDS: The Association of Metropolitan Sewerage Agencies (AMSA) thanks you for the timely introduction of the Wastewater Treatment Works Security and Safety Act. This legislation marks a critical step toward ensuring the safe, unin-

terrupted operation of the nation's vital wastewater infrastructure. AMSA will be working throughout the closing days of the 107th Congress to secure the passage of this important legislation.

Of critical importance to AMSA member utilities is the \$200 million this bill provides to assess vulnerabilities and enhance security at the nation's more than 16,000 public wastewater treatment works. AMSA also believes that the bill's \$2.5 million to develop and distribute vulnerability assessment software upgrades will play a key role in ongoing security improvements. AMSA, in coordination with EPA, has developed a vulnerability self assessment tool (VSAT™) for wastewater utilities in the wake of the terrorist attacks of September 11, 2001. To this end, the \$2.5 million provides much-needed support to continue and improve this important initiative.

The Wastewater Treatment Works Security and Safety Act comes at a pivotal juncture for communities struggling to secure their critical wastewater infrastructure while tackling shrinking municipal budgets. AMSA applauds your commitment to addressing municipal security needs for making your staff accessible throughout the drafting of this important legislation. AMSA looks forward to working with you, your staff and other members of the Senate and House of Representatives to ensure the passage of this legislation before Congress adjourns this year.

Sincerely,

KEN KIRK,
Executive Director.

By Mr. JEFFORDS (for himself
and Mr. SMITH of New Hampshire):

S. 3038. A bill to amend the Lacey Act Amendments of 1981 to further the conservation of certain wildlife species; to the Committee on Environment and Public Works.

Mr. JEFFORDS. Mr. President I rise today with Senator SMITH of New Hampshire to introduce the Captive Wildlife Safety Act, a firm commitment to protect public safety and the welfare of wild cats that are increasingly being kept as pets.

Current figures estimate that there are more than 5,000 tigers in captivity in the United States. In fact, there are more tigers in captivity in the United States than there are in native habitats throughout the range in Asia. While some tigers are kept in zoos, most of these animals are kept as pets, living in cages behind someone's house, in a State that does not restrict private ownership of dangerous animals. Tigers are not the only animals sought as exotic pets. Today there are more than 1,000 web sites that specialize in the trade of lions, cougars, and leopards to promote them as domestic pets.

Untrained owners are simply not capable of meeting the needs of these animals. Local veterinarians, animal shelters, and local governments are ill equipped to meet the challenge of providing for their proper care. If they are to be kept in captivity, these animals must be cared for by trained professionals who can meet their behavioral, nutritional, and physical needs.

People who live near these animals are also in real danger. These cats are

large and powerful animals, capable of injuring or killing innocent people. There are countless stories of many unfortunate and unnecessary incidents where dangerous exotic cats have endangered public safety. Last year in Lexington, TX, a three-year-old boy was killed by his stepfather's pet tiger. In Loxahatchee, FL, this past February, a 58 year-old woman was bitten on the head by a 750 pound Siberian-Bengal Tiger being kept as a pet. Just last month in Quitman, AR, four 600 to 800 pound tigers escaped from a "private safari." Parents living nearby sat in their own front yards with high-powered rifles scared that the wild lions might hurt their children playing the front yard.

The bill I introduce today would amend the Lacey Act Amendments of 1981 and bar the interstate and foreign commerce of carnivorous wild cats, including lions, tigers, leopards, cheetahs, and cougars. The legislation would not ban all private ownership of these prohibited species. It would outlaw the commerce of these animals for use as pets.

This is a balanced approach that preserves the rights of those entities already regulated by the Department of Agriculture under the Animal Welfare Act such as circuses, zoos, and research facilities. This Act specifically targets unregulated and untrained individuals who are maintaining these wild cats as exotic pets.

This bill also preserves the importance of local regulations already in existence. I sincerely hope that grass roots level organizing continues to direct State and local governments to increase the number of States and counties that ban private ownership of exotic cats. Full bans are already in place in 12 States and partial bans have been enacted in 7 States.

No one should be endangered by those who cannot properly keep these animals. Those exotic cats who are in captivity should be able to live humanely and healthfully.

The Captive Wildlife Safety Act represents an emerging consensus on the need for comprehensive federal legislation to regulate what animals can be kept as pets. The United States Department of agriculture states, "Large wild and exotic cats such as lions, tigers, cougars, and leopards are dangerous animals . . . Because of these animals' potential to kill or severely injure both people and other animals, an untrained person should not keep them as pets. Doing so poses serious risks to family, friends, neighbors, and the general public. Even an animal that can be friendly and lovable can be very dangerous."

The American Veterinary Medical Association also "strongly opposes the keeping of wild carnivore species of animals as pets and believes that all commercial traffic of these animals for such purpose should be prohibited."

The Captive Wildlife Safety Act is supported by the Association of Zoos

and Aquariums, the Humane Society of the United States, the Fund for Animals, and the International Fund for Animal Welfare.

I ask my colleagues to cosponsor this legislation and look forward to working with our partners in the House who have expressed interest in passing this bill into law by the end of this session.

By Mr. WYDEN:

S. 3039. A bill to designate certain conduct by sports agents relating to the signing of contracts with student athletes as unfair and deceptive acts or practices to be regulated by the Federal Trade Commission; to the Committee on Commerce, Science, and Transportation.

Mr. WYDEN. Mr. President, I would like to say a few words about a bill I am introducing today, the Sports Agent Responsibility and Trust Act. The purpose of the bill is simple: to set some basic, uniform nationwide rules to prevent unscrupulous behavior by sports agents who court student athletes.

Too often, unscrupulous sports agents prey upon young student athletes who are inexperienced, naive, or simply don't know all of the collegiate athletic eligibility rules. The agent sees the student athlete as a potentially lucrative future client, and wants to get the biggest headstart possible on other agents. So the agent tries to contact and sign up the student athlete as early as possible, and does whatever it takes to get the inside track.

In some cases, the agent may attempt to lure the student athlete with grand promises. In some cases, the agent may offer flashy gifts. To make the offer more enticing, the agent may withhold crucial information about the impact on the student's eligibility to compete in college sports.

A majority of States have enacted statutes to address unprincipled behavior by sports agents, but the standards vary from State to State and some States don't have any at all. The University of Oregon tells me that this creates a significant loophole. Specifically, Oregon has a State law, but it doesn't apply when a University of Oregon athlete goes home to another State for the summer and is contacted by an agent there. Every time that athlete crosses into another State, a different set of rules apply. And if one State's laws on the subject are particularly weak, that is where shady sports agents will try to contact their targets.

That is why there ought to be a single, nationwide standard. The bill I am introducing today would establish a uniform baseline, enforceable by the Federal Trade Commission, that would supplement but not replace existing State laws. Specifically, the bill would make it an unfair and deceptive trade practice for a sports agent to entice a student athlete with false or misleading information or promises or

with gifts to the student athlete or the athlete's friends or family. It would require a sports agent to provide the student athlete with a clear, standardized warning, in writing, that signing an agency contract could jeopardize the athlete's eligibility to participate in college sports. It would make it unlawful to pre-date or post-date agency contracts, and require both the agent and student athlete to promptly inform the athlete's university if they do enter into a contract.

Representative BART GORDON of Tennessee has spearheaded this legislation in the House, where the House Commerce Committee has held hearings and, most recently, unanimously approved the bill on September 25. I applaud Congressman GORDON for his leadership on this issue, and I urge my Senate colleagues to join me in addressing this matter in the Senate.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3039

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sports Agent Responsibility and Trust Act".

SEC. 2. DEFINITIONS.

As used in this Act, the following definitions apply:

(1) AGENCY CONTRACT.—The term "agency contract" means an oral or written agreement in which a student athlete authorizes a person to negotiate or solicit on behalf of the student athlete a professional sports contract or an endorsement contract.

(2) ATHLETE AGENT.—The term "athlete agent" means an individual who enters into an agency contract with a student athlete, or directly or indirectly recruits or solicits a student athlete to enter into an agency contract, and does not include a spouse, parent, sibling, grandparent, or guardian of such student athlete, or an individual acting solely on behalf of a professional sports team or professional sports organization.

(3) ATHLETIC DIRECTOR.—The term "athletic director" means an individual responsible for administering the athletic program of an educational institution or, in the case that such program is administered separately, the athletic program for male students or the athletic program for female students, as appropriate.

(4) COMMISSION.—The term "Commission" means the Federal Trade Commission.

(5) ENDORSEMENT CONTRACT.—The term "endorsement contract" means an agreement under which a student athlete is employed or receives consideration for the use by the other party of that individual's person, name, image, or likeness in the promotion of any product, service, or event.

(6) INTERCOLLEGIATE SPORT.—The term "intercollegiate sport" means a sport played at the collegiate level for which eligibility requirements for participation by a student athlete are established by a national association for the promotion or regulation of college athletics.

(7) PROFESSIONAL SPORTS CONTRACT.—The term "professional sports contract" means an agreement under which an individual is employed, or agrees to render services, as a

player on a professional sports team, with a professional sports organization, or as a professional athlete.

(8) STATE.—The term "State" includes a State of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(9) STUDENT ATHLETE.—The term "student athlete" means an individual who engages in, is eligible to engage in, or may be eligible in the future to engage in, any intercollegiate sport. An individual who is permanently ineligible to participate in a particular intercollegiate sport is not a student athlete for purposes of that sport.

SEC. 3. REGULATION OF UNFAIR AND DECEPTIVE ACTS AND PRACTICES IN CONNECTION WITH THE CONTACT BETWEEN AN ATHLETE AGENT AND A STUDENT ATHLETE.

(a) CONDUCT PROHIBITED.—It is unlawful for an athlete agent to—

(1) directly or indirectly recruit or solicit a student athlete to enter into an agency contract, by—

(A) giving any false or misleading information or making a false promise or representation; or

(B) providing anything of value to a student athlete or anyone associated with the student athlete before the student athlete enters into an agency contract;

(2) enter into an agency contract with a student athlete without providing the student athlete with the disclosure document described in subsection (b); or

(3) predate or postdate an agency contract.

(b) REQUIRED DISCLOSURE BY ATHLETE AGENTS TO STUDENT ATHLETES.—

(1) IN GENERAL.—In conjunction with the entering into of an agency contract, an athlete agent shall provide to the student athlete, or, if the student athlete is under the age of 18 to such student athlete's parent or legal guardian, a disclosure document that meets the requirements of this subsection. Such disclosure document is separate from and in addition to any disclosure which may be required under State law.

(2) SIGNATURE OF STUDENT ATHLETE.—The disclosure document must be signed by the student athlete, or, if the student athlete is under the age of 18 by such student athlete's parent or legal guardian, prior to entering into the agency contract.

(3) REQUIRED LANGUAGE.—The disclosure document must contain, in close proximity to the signature of the student athlete, or, if the student athlete is under the age of 18, the signature of such student athlete's parent or legal guardian, a conspicuous notice in bold-face type stating: "**Warning to Student Athlete: If you agree orally or in writing to be represented by an agent now or in the future you may lose your eligibility to compete as a student athlete in your sport. Within 72 hours after entering into this contract or before the next athletic event in which you are eligible to participate, whichever occurs first, both you and the agent by whom you are agreeing to be represented must notify the athletic director of the educational institution at which you are enrolled, or other individual responsible for athletic programs at such educational institution, that you have entered into an agency contract.**"

SEC. 4. ENFORCEMENT.

(a) UNFAIR OR DECEPTIVE ACT OR PRACTICE.—A violation of this Act shall be treated as a violation of a rule defining an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(b) ACTIONS BY THE COMMISSION.—The Commission shall enforce this Act in the same manner, by the same means, and with the

same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this Act.

SEC. 5. ACTIONS BY STATES.

(a) IN GENERAL.—

(1) CIVIL ACTIONS.—In any case in which the attorney general of a State has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by the engagement of any athlete agent in a practice that violates section 3 of this Act, the State may bring a civil action on behalf of the residents of the State in a district court of the United States of appropriate jurisdiction to—

- (A) enjoin that practice;
- (B) enforce compliance with this Act;
- (C) obtain damage, restitution, or other compensation on behalf of residents of the State; or
- (D) obtain such other relief as the court may consider to be appropriate.

(2) NOTICE.—

(A) IN GENERAL.—Before filing an action under paragraph (1), the attorney general of the State involved shall provide to the Commission—

- (i) written notice of that action; and
- (ii) a copy of the complaint for that action.

(B) EXEMPTION.—Subparagraph (A) shall not apply with respect to the filing of an action by an attorney general of a State under this subsection, if the attorney general determines that it is not feasible to provide the notice described in that subparagraph before filing of the action. In such case, the attorney general of a State shall provide notice and a copy of the complaint to the Commission at the same time as the attorney general files the action.

(b) INTERVENTION.—

(1) IN GENERAL.—On receiving notice under subsection (a)(2), the Commission shall have the right to intervene in the action that is the subject of the notice.

(2) EFFECT OF INTERVENTION.—If the Commission intervenes in an action under subsection (a), it shall have the right—

- (A) to be heard with respect to any matter that arises in that action; and
- (B) to file a petition for appeal.

(c) CONSTRUCTION.—For purposes of bringing any civil action under subsection (a), nothing in this title shall be construed to prevent an attorney general of a State from exercising the powers conferred the attorney general by the laws of that State to—

- (1) conduct investigations;
- (2) administer oaths or affirmations; or
- (3) compel the attendance of witnesses or the production of documentary and other evidence.

(d) ACTIONS BY THE COMMISSION.—In any case in which an action is instituted by or on behalf of the Commission for a violation of section 3, no State may, during the pendency of that action, institute an action under subsection (a) against any defendant named in the complaint in that action—

(e) VENUE.—Any action brought under subsection (a) may be brought in the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

(f) SERVICE OF PROCESS.—In an action brought under subsection (a), process may be served in any district in which the defendant—

- (1) is an inhabitant; or
- (2) may be found.

SEC. 6. PROTECTION OF EDUCATIONAL INSTITUTION.

(a) NOTICE REQUIRED.—Within 72 hours after entering into an agency contract or before the next athletic event in which the stu-

dent athlete may participate, whichever occurs first, the athlete agent and the student athlete shall each inform the athletic director of the educational institution at which the student athlete is enrolled, or other individual responsible for athletic programs at such education institution, that the student athlete had entered into an agency contract, and the athlete agent shall provide the athletic director with notice in writing of such a contract.

(b) CIVIL REMEDY.—

(1) IN GENERAL.—An educational institution has a right of action against an athlete agent for damages caused by a violation of this Act.

(2) DAMAGES.—Damages of an educational institution may include losses and expenses incurred because, as a result of the conduct of the athlete agent, the educational institution was injured by a violation of this Act or was penalized, disqualified, or suspended from participation in athletics by a national association for the promotion and regulation of athletics, by an athletic conference, or by reasonable self-imposed disciplinary action taken to mitigate actions likely to be imposed by such an association or conference.

(3) COSTS AND ATTORNEYS FEES.—In an action taken under this section, the court may award to the prevailing party costs and reasonable attorneys fees.

(4) EFFECT ON OTHERS RIGHTS, REMEDIES AND DEFENSES.—This section does not restrict the rights, remedies, or defenses of any person under law or equity.

SEC. 7. SENSE OF CONGRESS.

It is the sense of Congress that States should enact the Uniform Athlete Agents Act of 2000 drafted by the National Conference of Commissioners on Uniform State Laws, to protect student athletes and the integrity of amateur sports from unscrupulous sports agents. In particular, it is the sense of the Congress that States should enact the provisions relating to the registration of sports agents, the required form of contract, the right of the student athlete to cancel an agency contract, the disclosure requirements relating to record maintenance, reporting, renewal, notice, warning, and security, and the provisions for reciprocity among the States.

By Mr. HATCH:

S. 3041. A bill to require the Secretary of Health and Human Services to conduct a study and submit a report to Congress on new technology payments under the Medicare prospective payment system for hospital outpatient department services; to the Committee on Finance.

Mr. HATCH. Mr. President, since Utah is the home of many medical device and pharmaceutical companies, I have taken a special interest in legislation affecting the development of cutting-edge technologies and the ability of patients to have access to these innovative products. Three years ago, I authored legislation to ensure that Medicare patients have prompt and appropriate access to the abundant benefits of medical breakthrough products. Prior to the enactment of that law, these innovative technologies were not being properly reimbursed by the Medicare program or, in some cases, were not even being reimbursed by Medicare at all. As a result, patient care suffered.

And, while the 1999 law was a giant step in the right direction, many prob-

lems continue to exist regarding the methodology that Medicare has used in developing its hospital outpatient reimbursement payments for these new devices and medicines.

I have been working throughout the year with all parties who have a stake in improving the hospital outpatient prospective payment system methodology for new medical devices, drugs, biologicals, and other technologies. I have listened to the arguments from both the Centers for Medicare and Medicaid Services, CMS, and the industry and recognize that there are problems with this methodology from all perspectives.

And while, in my opinion, a legislative solution would be ideal, so far, we have been unable to draft legislation that would be acceptable to both CMS and industry representatives. Therefore, I now believe that authorizing a comprehensive study through the Department of Health and Human Services is the appropriate next step toward defining the flaws within the current system and developing consensus on how to address them. For this reason, I now advocate that CMS undertake such a study, and also provide recommendations to Congress on how to improve Medicare reimbursement for these products.

This matter is a serious one which needs to be reviewed and analyzed by HHS so that a more equitable reimbursement system may be created. We all agree that Medicare beneficiaries deserve access to most innovative medical technologies. In my opinion, this HHS study will help us accomplish two very important goals, fair and equitable Medicare reimbursement for innovative technology and therapies and, most important, beneficiary access to these cutting-edge products.

By Mr. HATCH:

S. 3043. A bill to provide for an extension of the social health maintenance organization (SHMO) demonstration project; to the Committee on Finance.

Mr. HATCH. Mr. President, the Social Health Maintenance Organization Demonstration Project is due to expire in the next year. I have been a strong supporter of extending the SHMO demonstration project, because these plans help keep seniors independent and out of nursing homes. SHMOs provide beneficiaries with expanded Medicare benefits, including prescription drugs, care coordination and community-based services. While many of us are working toward making this a permanent program, it has now become clear that we will not be able to accomplish this goal this year because of budget constraints. Therefore, I offer as the next best solution extending the SHMO demonstration project for five more years. This way, SHMOs will continue to operate, and, those beneficiaries who receive their Medicare coverage through SHMOs will continue to receive important services and benefits.

By Mr. DURBIN (for himself and Mr. VOINOVICH):

S. 3044. A bill to authorize the Court Services and Offender Supervision Agency of the District of Columbia to provide for the interstate supervision of offenders on parole, probation, and supervised release; to the Committee on Governmental Affairs.

Mr. DURBIN. Mr. President, I rise today, joined by my colleague from Ohio, Senator GEORGE VOINOVICH, to introduce the Court Services and Offender Supervision Agency Interstate Supervision Act of 2002, to enhance the authority of the Court Services and Offender Supervision Agency for the District of Columbia.

The Court Services and Offender Supervision Agency, CSOSA, was established by Congress as part of the District of Columbia Revitalization Act of 1997. CSOSA combines under one helm the previously disparate local functions of pretrial services, parole, adult probation, and post-conviction offender supervision. Following three years of operation as a trusteeship, CSOSA was certified as an independent Federal agency within the executive branch on August 4, 2000.

CSOSA, with 950 employees, an annual budget of \$132 million, and responsibility for monitoring 21,000 pretrial release defendants annually, 8,000 at any one time, and 15,338 post-conviction offenders on probation or parole, is directed by Paul A. Quander, Jr., who was confirmed by the Senate on July 25, 2002.

The legislation we introduce today aims to clarify CSOSA's authority to provide for supervision of offenders from other jurisdictions who chose to live in the District of Columbia and to arrange with other States for supervision of District of Columbia probationers who seek residence in other jurisdictions, including authority to enter into a new Interstate Compact.

Among the functions CSOSA absorbed after it was established were the supervision of probationers and parolees from other jurisdictions once their transfer to the District of Columbia was approved. Although not explicitly stated in the law, CSOSA also performs the related function of arranging for the supervision of District of Columbia Code offenders on probation and parole who seek to move from the District of Columbia to reside in other States. Our legislation would add that specific duty to CSOSA's statutory responsibilities.

The movement of adult parolees and probationers across State lines is currently controlled by an interstate compact dating back to 1937, which has all 50 States and territories as signatories. A new agreement, the Interstate Compact for Adult Offender Supervision, has been drafted to improve accountability, coordination, and enforcement mechanisms among the participating states. As of June 19, 35 States had signed on to the new compact. The District has not done so, primarily because the City itself no longer performs the functions since Congress created CSOSA to do so.

Our legislation would provide CSOSA with clear authority to enter into this new compact or any other agreements for interstate supervision with any States which may not become signatories to the new compact. Because a new Compact Commission is now being formed and scheduled to meet in November to begin developing the procedural rules for the new Compact, our legislation will enable CSOSA to actively participate in that process.

For this reason, we urge our colleagues to support this bill and vote for enactment this year. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3044

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Court Services and Offender Supervision Agency Interstate Supervision Act of 2002".

SEC. 2. INTERSTATE SUPERVISION.

Section 11233(b)(2) of the National Capital Revitalization and Self-Government Improvement Act of 1997 (sec. 24-133(b)(2), D.C. Official Code) is amended—

(1) by amending subparagraph (G) to read as follows:

"(G) arrange for the supervision of District of Columbia offenders on parole, probation, and supervised release who seek to reside in jurisdictions outside the District of Columbia;"

(2) by striking the period at the end of subparagraph (H) and inserting a semicolon; and

(3) by adding at the end the following new subparagraphs:

"(I) arrange for the supervision of offenders on parole, probation, and supervised release from jurisdictions outside the District of Columbia who seek to reside in the District of Columbia; and

"(J) have the authority to enter into agreements, including the Interstate Compact for Adult Offender Supervision, with any State or group of States in accordance with the Agency's responsibilities under subparagraphs (G) and (I)."

Mr. VOINOVICH. Mr. President, I rise today with my colleague from Illinois, Senator RICHARD DURBIN, as a cosponsor of the Court Services and Offender Supervision Agency Interstate Supervision Act of 2002. I thank my colleague from Illinois for his initiative in advancing this legislation.

As my colleague noted, Congress created the Court Services and Offender Supervision Agency, CSOSA, as part of the 1997 National Capital Revitalization and Self-Government Improvement Act to absorb the responsibilities of three local D.C. agencies. In accordance with that law the Federal Government assumed responsibility for many of the city's judicial functions, including all pre-trial services and the post-conviction supervision of parolees and probationers.

With the support of the District and CSOSA, our bipartisan legislation seeks to clarify that CSOSA is the entity responsible for all offenders, whether on parole, probation, or super-

vised release, who reside in the District of Columbia or those convicted in District Court and choose to relocate outside of the District of Columbia.

When CSOSA was established, it was expressly charged with the responsibility to arrange for the supervision of District of Columbia paroled offenders who wish to move outside the boundaries of Washington, D.C. Today, however, a growing number of offenders are placed on probation or supervised release, not parole. Our legislation clarifies that CSOSA is the agency responsible for arranging for their supervision.

The original legislation also did not address directly the issue of supervision of offenders who relocate to the District of Columbia. Since CSOSA absorbed the local agency that previously held this responsibility, it has been acting in that capacity. Again, our legislation clarifies that CSOSA is the entity with this responsibility.

Finally, our legislation clearly grants CSOSA the authority to enter into agreements with other states and territories to establish guidelines for offender relocation. An interstate compact, signed by all the states and territories, has established guidelines for the movement of adult offenders. The compact was created originally in 1937 and the states are in the process of revising it to enhance accountability for all offenders on parole, probation, or supervised release. More than half of the states already have signed this revised Interstate Compact for Adult Offender Supervision. The District of Columbia has not signed it, however, primarily because they do not have responsibility for offenders. Our legislation expressly grants CSOSA the authority to do so in their capacity of providing offender supervision.

This legislation clarifies CSOSA's mission, a mission critical to the public safety of our nation's capital. I urge my colleagues to support this bill.

By Mr. CRAIG:

S. 3046. A bill to provide for the conveyance of Federal land in Sandpoint, Idaho, and for other purposes; to the Committee on Energy Natural Resources.

Mr. CRAIG. Mr. President, I rise today to introduce the "Sandpoint Land and Facilities Act of 2002." This bill is a unique opportunity to meet the facility needs of the Forest Service in Sandpoint, ID and to provide facilities for the local county government. This bill will transfer ownership of the local General Service Administration building currently housing the Forest Service to that agency. The bill also provides authority for the Forest Service to work with Bonner County, Idaho to exchange the existing building to Bonner County in exchange for a new and more functional building to the Forest Service. This transfer of ownership will not only provide the opportunity for the local Forest Service office to obtain a facility that best meets

their needs but also will meet the facility needs of Bonner County.

The transfer of this facility will allow the Forest Service to improve service to the public, improve public and employee safety, make the Idaho Panhandle National Forest more financially competitive, and allow increased spending on resource programs that contribute to healthier ecosystems. In turn, Bonner County will benefit by providing to them a building that consolidates county offices so that better services can be provided to the local public, including ADA compliant access to the county courtrooms.

Additionally, the GSA will dispose of a building that is only partially occupied and is remotely located from other GSA facilities.

This is a win-win situation for the Forest Service, Bonner County, GSA, and the taxpayers and an outstanding example of the federal government at the local level working with the county government to create common sense solutions that result in more efficient operations and better service to the public.

By Mr. CRAIG:

S. 3047. A bill to authorize the Secretary of Agriculture to sell or exchange all or part of certain parcels of National Forest System land in the State of Idaho and use the proceeds derived from the sale or exchange for National Forest System purposes; to the Committee on Energy Natural Resources.

Mr. CRAIG. Mr. President, I rise today to introduce the Idaho Panhandle National Forest Improvement Act of 2002. This bill is an opportunity to provide lands for local benefits and to meet the facility needs of the Forest Service in the Silver Valley of Idaho. This bill will offer for sale or exchange administrative parcels of land in the Idaho Panhandle National Forest that the Forest Service has identified as no longer in the interest of public ownership and that disposing of them will serve the public better. The proceeds from these sales will be used to improve or replace the Forest Service's Ranger Station in Idaho's Silver Valley.

The Forest Service administrative parcels identified for disposal include the land permitted by the Granite/Reeder Sewer District on Priest Lake, Shoshone Camp in Shoshone County, and the North-South Ski Bowl, south of St. Maries.

The bill also directs the Forest Service to improve or construct a new ranger station in the Silver Valley. The current ranger station is in dire need of repair or replacement, and this will ensure my commitment to a continued and increased presence of the Forest Service in the Silver Valley.

This is a win-win situation for the taxpayers, the Forest Service, the residents of the Silver Valley, and the permittees on the parcels of land to be disposed of.

By Mr. FRIST (for himself, Mr. KENNEDY, Mr. ENZI, Mr. JOHNSON, Mrs. MURRAY, Mrs. CLINTON, and Mr. ROBERTS).

S. 3048. A bill to amend the Public Health Service Act to add requirements regarding trauma care, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. FRIST. Mr. President, each year, nearly 1 out of 4 Americans sustain an injury requiring medical attention. In 1995, injuries were responsible for 148,000 deaths, 2.6 million hospitalizations, and over 36 million emergency room visits.

The direct and indirect cost of injury is estimated to be about \$260 billion a year, and the death rate from unintentional injury is more than 50 percent higher in rural areas than in urban areas. It is essential that every American have access to a trauma system that provides definitive care as quickly as possible.

In recent years, Congress has worked to address this issue through the Trauma Care Systems Planning and Development Act, which authorizes Federal grants to States for the purpose of planning, implementing, and developing statewide trauma care systems. However, this important program expires this year. Therefore, I am introducing bipartisan legislation today, along with Senators KENNEDY and ENZI to reauthorize this important program.

Among Americans younger than age 44, trauma is the killer. While injury prevention programs have greatly reduced death and disability, severe injuries will continue to occur. Given the events of September 11, 2001 and our Nation's renewed focus on enhancing disaster preparedness, it is critical that the Federal Government increase its commitment to strengthening programs governing trauma care system planning and development.

Despite our past investments, one-half of the States in the country are still without a statewide trauma care system. Clearly we can do better. We must respond to the goals put forth by the Institute of Medicine in 1999, that Congress "support a greater national commitment to, and support of, trauma care systems at the Federal, State, and local levels."

Today's bill, the "Trauma Care Systems Planning and Development Act of 2002" reauthorizes this program and includes several key improvements: first, it improves the collection and analysis of trauma patient data; second, the bill responds to State budget difficulties by decreasing the requirement for State matching funds to the Federal grants; third, the legislation provides a self-evaluation mechanism to assist States in assessing and improving their trauma care systems; fourth, it authorizes an Institute of Medicine study on the state of trauma care and trauma research; and finally, it doubles the funding available for this program to allow additional States to participate.

I appreciate the assistance of Senators KENNEDY and ENZI on this important legislation, and look forward to working to see this bill passed this year.

Mr. KENNEDY. Mr. President, it is a pleasure to join Senator FRIST, Senator JOHNSON, and Senator MURRAY in introducing the Trauma Care Systems Planning and Development Act. Our goal in this bipartisan legislation is to enable all States to develop effective trauma care systems.

Trauma is the number one killer of Americans under the age of 44. Traumatic injury robs our Nation's youth, devastates families, and costs the Nation more than \$260 billion every year. In 1995 alone, injuries were responsible for 148,000 deaths, 2.6 million hospitalizations, and over 26 million emergency room visits.

Despite trauma's toll, we have done little in recent years to prevent trauma or improve the chance of recovery following traumatic injury. Part of the problem is the misunderstanding that trauma is an accident, an unfortunate, but sometimes unavoidable chance event. But the facts reveal that this is not the case.

Trauma is very similar to a disease. It has definable causes with established methods of treatment and prevention. Frequent forms of trauma include motor vehicle accidents, firearm accidents, and natural or man-made disasters. Proven preventative measures could save up to 25,000 lives every year. Putting effective trauma care systems in place would provide victims with the best chance of recovery, by delivering quality care as quickly as possible.

A trauma system is an organized, coordinated effort to provide the full range of care to all injured patients. Intervention begins in the field, at the site of injury, and proceeds along the continuum of care from prehospital to hospital to rehabilitative services. An effective system ensures that resources, supporting equipment, and personnel are ready and trained to go into action.

The skills and knowledge of health care experts alone are not enough. Optimal care is the result of advance planning, preparation, and coordination to produce smooth transitions and the proper sequence of interventions. A comprehensive trauma system accomplishes all this and has been proven to save lives and decrease costs.

Much of the progress in developing trauma systems has occurred as a result of Federal funding and involvement. In 1973, Congress passed the Emergency Medical Services Act, providing \$300 million to States and communities over an eight year period. Without that funding, patients in 304 emergency medical service regions in the United States might not have had ready access to emergency care. Even today, there are areas of the United States without 9-1-1 access and prompt emergency transportation.

In 1990, Congress passed the original Trauma Care Systems Planning and

Development Act, authorizing Federal grants to States to develop integrated statewide trauma care systems. Funding for this program has been inadequate. From 1995 to 2000, States received no funding under the Act. Last year, only \$3.5 million was appropriated for the entire country. As a result, only half of all States have fully functional statewide trauma systems. Clearly, we must do better in providing needed trauma care.

This legislation reauthorizes and enhances the trauma care program to establish comprehensive trauma systems in all States. The bill also addresses the urgent need for improved trauma data and research. Surprisingly, given the burden of trauma on society, only 1 percent of resources at the NIH are devoted to trauma research. The legislation asks the Institute of Medicine to investigate the quality of trauma care and identify areas for improvement.

This legislation is supported by the Coalition for American Trauma Care, the American College of Surgeons, and the American Trauma Society. Its enactment is vitally important to public safety, and I urge the Senate to approve it.

By Mr. LIEBERMAN (for himself, Mr. FEINGOLD, Mr. DURBIN, Mr. KENNEDY, Mr. JEFFORDS, and Mr. SCHUMER):

S. 3054. A bill to provide for full voting representation in Congress for the citizens of the District of Columbia, and for other purposes; to the Committee on Governmental Affairs.

Mr. LIEBERMAN. Mr. President, I rise today to join with my colleagues Senators RUSS FEINGOLD, DICK DURBIN, EDWARD KENNEDY, JIM JEFFORDS, and CHARLES SCHUMER in introducing legislation that would end a terrible injustice suffered by 600,000 American citizens—that is, the denial of full Congressional representation to the citizens of the District of Columbia. This injustice is nothing less than a stain on the fabric of our democracy. To right this wrong, we are introducing the No Taxation Without Representation Act of 2002 today in order to extend full Congressional representation to the citizens of our Capital City.

This is the second bill I have introduced to this Congress in order to achieve this important goal. It is embarrassing that ours is the only democracy in the world in which citizens of the Capital are not represented in the national legislature. I can only wonder what visitors from around the world must think when they come to see our beautiful landmarks, our monuments, and our Capitol dome, proud symbols of the world's greatest democracy, and then learn that the people who live in this great city have no voice in Congress. What would we do if, for some reason, the residents of Boston, Nashville, Denver, Seattle, or El Paso had no voting rights? All those cities are roughly the same size as Washington, D.C., and I know we as a Nation

wouldn't let their citizens go voiceless in Congress.

Citizens of Washington, D.C. pay income taxes, and yet they have no say in how high those taxes will be or how their tax dollars will be spent. Citizens of Washington, D.C. serve their fellow Americans both here at home and in wars abroad, and yet inhabitants of the District of Columbia cannot choose representatives to the legislature that governs them. This city's people and institutions have been the direct target of terrorists, and yet citizens of the District have no one who can cast a vote in Congress on policies to protect their homeland security.

The vote is a civic entitlement of every tax-paying citizen of the United States. It is democracy's most elemental and essential right, its most useful tool. The citizens who live in our Nation's capital deserve more than a non-voting delegate in the House. Notwithstanding the strong service of the Honorable Congresswoman ELEANOR HOLMES NORTON and her ability to vote in committee, a representative without the power to vote on the floor of the House simply isn't good enough.

The name of this bill is intended as a reminder of the inextricable link in this Nation's history between the power to tax and the right to vote. Our forebearers went to war rather than pay taxes without representation. The principles for which our Nation's revolutionary heroes fought so hard more than 200 years ago apply just as forcefully to the citizens of the District of Columbia today as they did for the men and women who founded this great Nation.

Despite its title, "No Taxation Without Representation," this bill does not relieve the District residents of their tax obligations, given their non-voting status. The people of D.C. are not looking to avoid paying their fair share of taxes. Instead, the bill grants the citizens of the District of Columbia their much-belated birthright: the right to vote for and be represented by two Senators and a full Member of the House of Representatives. Further the bill increases the permanent membership of the House of Representatives by one, a symbolic acknowledgment that all along a member was missing: the Representative casting her vote for the people of Washington, D.C.

This legislation is no less than our broadly-held American values demand for our fellow citizens. In fact, a recent national poll shows that a majority of Americans believe D.C. residents already have Congressional voting rights. When informed that they do not, 80 percent say that D.C. residents should have full representation.

In righting this wrong, we won't just be following the will of the American people. We will be following the will of history. When the framers of the Constitution placed our Capital, which had not yet been established, under the jurisdiction of the Congress, they placed with Congress the responsibility of en-

suring that D.C. citizens' rights would be protected in the future, just as Congress protects the rights of all citizens throughout the land. For more than 200 years, Congress has failed to meet this obligation. And I, for one, am not prepared to make D.C. citizens wait another 200 years.

In the words of this city's namesake, our first President, George Washington, "Precedents are dangerous things; let the reins of government then be braced and held with a steady hand, and every violation of the Constitution be reprehended: If defective, let it amended, but not suffered to be trampled upon whilst it has an existence."

The people of the District of Columbia have suffered this Constitutional defect far too long. Let's reprehend it and amend it together.

I ask unanimous consent that the text of the No Taxation Without Representation Act of 2002 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3054

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "No Taxation Without Representation Act of 2002".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The residents of the District of Columbia are the only Americans who pay Federal income taxes but are denied voting representation in the House of Representatives and the Senate.

(2) The residents of the District of Columbia suffer the very injustice against which our Founding Fathers fought, because they do not have voting representation as other taxpaying Americans do and are nevertheless required to pay Federal income taxes unlike the Americans who live in the territories.

(3) The principle of one person, one vote requires that residents of the District of Columbia be afforded full voting representation in the House and the Senate.

(4) Despite the denial of voting representation, Americans in the Nation's Capital are second among residents of all States in per capita income taxes paid to the Federal Government.

(5) Unequal voting representation in our representative democracy is inconsistent with the founding principles of the Nation and the strongly held principles of the American people today.

SEC. 3. REPRESENTATION IN CONGRESS FOR DISTRICT OF COLUMBIA.

For the purposes of congressional representation, the District of Columbia, constituting the seat of government of the United States, shall be treated as a State, such that its residents shall be entitled to elect and be represented by 2 Senators in the United States Senate, and as many Representatives in the House of Representatives as a similarly populous State would be entitled to under the law.

SEC. 4. ELECTIONS.

(a) FIRST ELECTIONS.—

(1) PROCLAMATION.—Not later than 30 days after the date of enactment of this Act, the Mayor of the District of Columbia shall issue a proclamation for elections to be held to fill the 2 Senate seats and the seat in the House

of Representatives to represent the District of Columbia in Congress.

(2) **MANNER OF ELECTIONS.**—The proclamation of the Mayor of the District of Columbia required by paragraph (1) shall provide for the holding of a primary election and a general election and at such elections the officers to be elected shall be chosen by a popular vote of the residents of the District of Columbia. The manner in which such elections shall be held and the qualification of voters shall be the same as those for local elections, as prescribed by the District of Columbia.

(3) **CLASSIFICATION OF SENATORS.**—In the first election of Senators from the District of Columbia, the 2 senatorial offices shall be separately identified and designated, and no person may be a candidate for both offices. No such identification or designation of either of the 2 senatorial offices shall refer to or be taken to refer to the terms of such offices, or in any way impair the privilege of the Senate to determine the class to which each of the Senators elected shall be assigned.

(b) **CERTIFICATION OF ELECTION.**—The results of an election for the Senators and Representative from the District of Columbia shall be certified by the Mayor of the District of Columbia in the manner required by law and the Senators and Representative shall be entitled to be admitted to seats in Congress and to all the rights and privileges of Senators and Representatives of the States in the Congress of the United States.

SEC. 5. HOUSE OF REPRESENTATIVES MEMBERSHIP.

(a) **IN GENERAL.**—Upon the date of enactment of this Act, the District of Columbia shall be entitled to 1 Representative until the taking effect of the next reapportionment. Such Representative shall be in addition to the membership of the House of Representatives as now prescribed by law.

(b) **INCREASE IN MEMBERSHIP OF HOUSE OF REPRESENTATIVES.**—Upon the date of enactment of this Act, the permanent membership of the House of Representatives shall increase by 1 seat for the purpose of future reapportionment of Representatives.

(c) **REAPPORTIONMENT.**—Upon reapportionment, the District of Columbia shall be entitled to as many seats in the House of Representatives as a similarly populous State would be entitled to under the law.

(d) **DISTRICT OF COLUMBIA DELEGATE.**—Until the first Representative from the District of Columbia is seated in the House of Representatives, the Delegate in Congress from the District of Columbia shall continue to discharge the duties of his or her office.

By Mr. CORZINE (for himself and Mr. DEWINE):

S. 3056. A bill to amend title 23, United States Code, to increase penalties for individuals who operate motor vehicles while intoxicated or under the influence of alcohol; to the Committee on Environment and Public Works.

Mr. CORZINE. Mr. President today, along with Senator DEWINE, I am introducing legislation that addresses the serious national problem of drunk driving. This bill, "The Higher-Risk Impaired Driver Act," would help protect the public from those intoxicated drivers who pose the greatest threat to our safety.

This bill would target a specific population of drivers who pose a special danger on our roads. These are drivers who are convicted of driving while in-

toxicated within 5 years of a prior conviction; drivers who are convicted of driving while intoxicated with a blood alcohol content of .15 or greater; drivers who are convicted of driving while their license is suspended, when the suspension happened due to a driving while intoxicated offense; and drivers who refuse a blood alcohol concentration test while under arrest or investigation for involvement in a fatal or serious injury crash.

The statistics documenting the threat posed by these drivers are startling. Nationally in 2001, about 1,461 fatalities that occurred in crashes involving alcohol-impaired or intoxicated drivers who had at least one previous driving while intoxicated conviction, according to the National Institute of Highway Safety, NHTSA. Further, the AAA Foundation for Traffic Safety, in an analysis of NHTSA data from 1982 to 1999, found that over half the drivers who were arrested or convicted of driving while intoxicated during that period and 64 percent of drunken drivers who were fatally injured had a blood alcohol level of .15 or greater.

There are tragic stories behind these statistics: In my own State of New Jersey, for example, Navy Ensign John Elliott was killed by a driver who had a blood alcohol level that exceeded twice the legal limit. In that case, the driver had been arrested and charged with driving while intoxicated just three hours before the crash. After being processed for that offense, he had been released into the custody of a friend who drove him back to his car and allowed him to get behind the wheel.

The legislation I am introducing today would require states to enact a law that penalizes these higher risk offenders, reduces the threat that they pose, and gets offenders into appropriate substance abuse programs. The penalty provisions in such a law would include the suspension of an offender's drivers license for no less than one year and the requirement that the offender pay both a \$1000 minimum fine as well as restitution to any victims of the offense. The reduction of the threat occurs through the requirement that the offender's motor vehicle be impounded for no less than 90 days and the requirement that the offender be imprisoned for a period of time and then shall either wear an electronic bracelet or be assigned to a DWI specialty facility. The treatment provision requires the assessment of the offender for placement into a substance abuse program.

This legislation follows the recommendations of Mothers Against Drunk Driving, MADD, in their Higher-Risk Driver Program. I look forward to working with the members of MADD nationwide to see this legislation enacted into law. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3056

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Higher-Risk Impaired Driver Act".

SEC. 2. INCREASED PENALTIES.

(a) **IN GENERAL.**—Chapter I of title 23, United States Code, is amended by adding at the end the following:

"§ 165. Increased penalties for higher risk drivers for driving while intoxicated or driving under the influence

"(a) **DEFINITIONS.**—In this section, the following definitions apply:

"(1) **BLOOD ALCOHOL CONCENTRATION.**—The term 'blood alcohol concentration' means grams of alcohol per 100 milliliters of blood or the equivalent grams of alcohol per 210 liters of breath.

"(2) **DRIVING WHILE INTOXICATED; DRIVING UNDER THE INFLUENCE.**—The terms 'driving while intoxicated' and 'driving under the influence' mean driving or being in actual physical control of a motor vehicle while having a blood alcohol concentration above the permitted limit as established by each State.

"(3) **LICENSE SUSPENSION.**—The term 'license suspension' means the suspension of all driving privileges.

"(4) **MOTOR VEHICLE.**—The term 'motor vehicle' means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways but does not include a vehicle operated solely on a rail line or a commercial vehicle.

"(5) **HIGHER-RISK IMPAIRED DRIVER LAW.**—

"(A) The term 'higher-risk impaired driver law' means a State law that provides, as a minimum penalty, that an individual described in subparagraph (B) shall—

"(i) receive a driver's license suspension for not less than 1 year, including a complete ban on driving for not less than 90 days and for the remainder of the license suspension period and prior to the issuance of a probationary hardship or work permit license, be required to install a certified alcohol ignition interlock device;

"(ii) have the motor vehicle driven at the time of arrest impounded or immobilized for not less than 90 days and for the remainder of the license suspension period require the installation of a certified alcohol ignition interlock device on the vehicle;

"(iii) be subject to an assessment by a certified substance abuse official of the State that assesses the individual's degree of abuse of alcohol and assigned to a treatment program or impaired driving education program as determined by the assessment;

"(iv) be imprisoned for not less than 10 days, have an electronic monitoring device for not less than 100 days, or be assigned to a DUI/DWI specialty facility for not less than 30 days;

"(v) be fined a minimum of \$1,000, with the proceeds of such funds to be used by the State or local jurisdiction for impaired driving related prevention, enforcement, and prosecution programs, or for the development or maintenance of a tracking system of offenders driving while impaired;

"(vi) if the arrest resulted from involvement in a crash, the court shall require restitution to the victims of the crash;

"(vii) be placed on probation by the court for a period of not less than 2 years;

"(viii) if diagnosed with a substance abuse problem, during the first year of the probation period referred to in clause (vii), attend a treatment program for a period of 12 consecutive months sponsored by a State certified substance abuse treatment agency and

meet with a case manager at least once each month; and

“(ix) be required by the court to attend a victim impact panel, if such a panel is available.

“(B) An individual referred to in subparagraph (A) is an individual who—

“(i) is convicted of a second or subsequent offense for driving while intoxicated or driving under the influence within a minimum of 5 consecutive years;

“(ii) is convicted of a driving while intoxicated or driving under the influence with a blood alcohol concentration of 0.15 percent or greater;

“(iii) is convicted of a driving-while-suspended offense if the suspension was the result of a conviction for driving under the influence; or

“(iv) refuses a blood alcohol concentration test while under arrest or investigation for involvement in a fatal or serious injury crash.

“(6) SPECIAL DUI/DWI FACILITY.—The term ‘special DUI/DWI facility’ means a facility that houses and treats offenders arrested for driving while impaired and allows such offenders to work and/or attend school.

“(7) VICTIM IMPACT PANEL.—The term ‘victim impact panel’ means a group of impaired driving victims who speak to offenders about impaired driving. The purpose of the panel is to change attitudes and behaviors in order to deter impaired driving recidivism.

“(b) TRANSFER OF FUNDS.—

“(1) FISCAL YEAR 2006.—Beginning on October 1, 2006, if a State has not enacted or is not enforcing a higher risk impaired driver law, the Secretary shall transfer an amount equal to 2 percent of the funds apportioned to the State on that date under each of paragraphs (1), (3), and (4) of section 104(b) to the apportionment of the State under section 402 solely for impaired driving programs.

“(2) FISCAL YEAR 2007.—On October 1, 2007, if a State has not enacted or is not enforcing a higher-risk impaired driver law, the Secretary shall transfer an amount equal to 4 percent of the funds apportioned to the State on that date under each of paragraphs (1), (3), and (4) of section 104(b) to the apportionment of the State under section 402 to be used or directed as described in paragraph (1).

“(3) FISCAL YEAR 2008.—On October 1, 2008, if a State has not enacted or is not enforcing a higher-risk impaired driver law, the Secretary shall transfer an amount equal to 6 percent of the funds apportioned to the State on that date under each of paragraphs (1), (3), and (4) of section 104(b) to the apportionment of the State under section 402 to be used or directed as described in paragraph (1).

“(4) DERIVATION OF AMOUNT TO BE TRANSFERRED.—The amount to be transferred under paragraph (1), (2), or (3) may be derived from 1 or more of the following:

“(A) The apportionment of the State under section 104(b)(1).

“(B) The apportionment of the State under section 104(b)(3).

“(C) The apportionment of the State under section 104(b)(4).

“(5) TRANSFER OF OBLIGATION AUTHORITY.—

“(A) IN GENERAL.—If the Secretary transfers under this subsection any funds to the apportionment of a State under section 402 for a fiscal year, the Secretary shall transfer an amount, determined under subparagraph (B), of obligation authority distributed for the fiscal year to the State for carrying out impaired driving programs authorized under section 402.

“(B) AMOUNT.—The amount of obligation authority referred to in subparagraph (A) shall be determined by multiplying—

“(i) the amount of funds transferred under subparagraph (A) to the apportionment of the State under section 402 for the fiscal year; by

“(ii) the ratio that—

“(I) the amount of obligation authority distributed for the fiscal year to the State for Federal-aid highways and highway safety construction programs; bears to

“(II) the total of the sums apportioned to the State for Federal-aid highways and highway safety construction programs (excluding sums not subject to any obligation limitation) for the fiscal year.

“(7) LIMITATION ON APPLICABILITY OF OBLIGATION LIMITATION.—Notwithstanding any other provision of law, no limitation on the total of obligations for highway safety programs under section 402 shall apply to funds transferred under this subsection to the apportionment of a State under such section.

“(c) WITHHOLDING OF FUNDS.—

“(1) FISCAL YEAR 2009.—On October 1, 2008, if a State has not enacted or is not enforcing a higher-risk impaired driver law, the Secretary shall withhold 2 percent of the amount required to be apportioned for Federal-aid highways to the State on that date under each of paragraphs (1), (3), and (4) of section 104(b).

“(2) FISCAL YEAR 2010.—On October 1, 2009, if a State has not enacted or is not enforcing a higher-risk impaired driver law, the Secretary shall withhold 4 percent of the amount required to be apportioned for Federal-aid highways to the State on that date under each of paragraphs (1), (3), and (4) of section 104(b).

“(3) FISCAL YEAR 2011.—On October 1, 2010, if a State has not enacted or is not enforcing a higher-risk impaired driver law, the Secretary shall withhold 6 percent of the amount required to be apportioned for Federal-aid highways to the State on that date under each of paragraphs (1), (3), and (4) of section 104(b).

“(4) COMPLIANCE.—Not later than 4 years after the date that the apportionment for any State is reduced in accordance with this section the Secretary determines that such State has enacted and is enforcing a provision described in section 163(a), the apportionment of such State shall be increased by an amount equal to such reduction. If at the end of such 4-year period, any State has not enacted and is not enforcing a provision described in section 163(a) any amounts so withheld shall be transferred to carry out impaired driving programs authorized under section 402.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 149—RECOGNIZING THE TEAMS AND PLAYERS OF THE NEGRO BASEBALL LEAGUES FOR THEIR ACHIEVEMENTS, DEDICATION, SACRIFICES, AND CONTRIBUTIONS TO BASEBALL AND THE NATION

Mr. NELSON of Florida submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. CON. RES. 149

Whereas even though African-Americans were excluded from playing in the major leagues of baseball with their Caucasian counterparts, the desire of some African-Americans to play baseball could not be repressed;

Whereas Major League Baseball was not fully integrated until July 1959;

Whereas African-Americans began organizing their own professional baseball teams in 1885;

Whereas 6 separate baseball leagues, known collectively as the Negro Baseball Leagues, were organized by African-Americans between 1920 and 1960;

Whereas the Negro Baseball Leagues included exceptionally talented players;

Whereas Jackie Robinson, whose career began in the Negro Baseball Leagues, was named Rookie of the Year in 1947 and subsequently led the Brooklyn Dodgers to 6 National League pennants and a World Series championship;

Whereas by achieving success on the baseball field, African-American baseball players helped break down color barriers and integrate African-Americans into all aspects of society in the United States;

Whereas during World War II, more than 50 Negro Baseball League players served in the Armed Forces of the United States;

Whereas during an era of sexism and gender barriers, 3 women played in the Negro Baseball Leagues;

Whereas the Negro Baseball Leagues helped teach the people of the United States that what matters most is not the color of a person's skin, but the content of that person's character and the measure of that person's skills and abilities;

Whereas only in recent years has the history of the Negro Baseball Leagues begun receiving the recognition that it deserves;

Whereas in 1997 Major League Baseball created a pension plan for former players of the Negro Baseball Leagues who went on to play in Major League Baseball; and

Whereas baseball is the national pastime and reflects the history of the Nation: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the teams and players of the Negro Baseball Leagues for their achievements, dedication, sacrifices, and contributions to both baseball and our Nation; and

(2) encourages Major League Baseball in 2002 to reach a fair compensation agreement with former players of the Negro Baseball Leagues who were excluded under Major League Baseball's 1997 pension plan.

Mr. NELSON of Florida. Mr. President, I rise today to submit a resolution recognizing the teams and players of the Negro Baseball Leagues for their contributions to baseball and the Nation.

This important resolution also calls on Major League Baseball to compensate the Negro League players who were left out of the League's 1997 pension plan.

For half a century, most of the Negro League players were excluded from the Majors.

Even though Jackie Robinson broke the color barrier in 1947, it took another decade for Major League Baseball to really become integrated, when in July of 1959, the last Major League team fielded an African American player.

During the intervening years, Baseball systemically discriminated against most Negro Leaguers.

Baseball Commissioner Bud Selig sought to correct some of the failings of the past when he awarded an annual \$10,000 pension benefit to some of the Negro Leaguers, but he left out those

who played solely in the Negro Leagues from 1948 to 1960.

Major League Baseball contends they were left out because the sport was integrated during that time. But history shows it took the big leagues many years to fully integrate following Jackie Robinson's historic entry into the Majors.

The players, who were excluded, still seeking a small retirement, have been reaching out to Commissioner Selig for five long years now, without resolution.

Meantime, these ex-players are getting old. Many have passed away. Time is running out to provide them with a small measure of compensation for their time in the Negro Leagues.

I joined them last year in trying to find some resolution to this dispute. I hope this concurrent resolution will act as a catalyst to spur action by Major League Baseball to correct this injustice.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4852. Mr. GREGG (for himself, Mr. HOLLINGS, Mr. SHELBY, Mr. HARKIN, Mr. STEVENS, Mr. INOUE, Mr. COCHRAN, Mr. HELMS, Mr. JOHNSON, Mr. SESSIONS, Mr. BINGAMAN, Mr. GRASSLEY, Ms. LANDRIEU, Mrs. FEINSTEIN, Mr. ALLEN, Mr. DOMENICI, Mrs. HUTCHISON, Mr. KOHL, Mr. BURNS, Mr. REED, Mr. BIDEN, Mrs. LINCOLN, Mr. FEINGOLD, Mr. THURMOND, Mr. ENZI, Mr. BREAUX, Mr. MCCONNELL, Mr. CRAIG, Mr. CLELAND, Mr. BENNETT, Mr. TORRICELLI, Mr. DASCHLE, Mr. LEAHY, Mr. WYDEN, Mr. CAMPBELL, Mr. NELSON, of Florida, Mr. WELLSTONE, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table.

SA 4853. Mr. GREGG (for himself, Mr. HOLLINGS, Mr. SHELBY, Mr. HARKIN, Mr. STEVENS, Mr. INOUE, Mr. COCHRAN, Mr. HELMS, Mr. JOHNSON, Mr. SESSIONS, Mr. BINGAMAN, Mr. GRASSLEY, Ms. LANDRIEU, Mrs. FEINSTEIN, Mr. ALLEN, Mr. DOMENICI, Mrs. HUTCHISON, Mr. KOHL, Mr. BURNS, Mr. REED, Mr. BIDEN, Mrs. LINCOLN, Mr. FEINGOLD, Mr. THURMOND, Mr. ENZI, Mr. BREAUX, Mr. MCCONNELL, Mr. CRAIG, Mr. CLELAND, Mr. BENNETT, Mr. TORRICELLI, Mr. DASCHLE, Mr. LEAHY, Mr. WYDEN, Mr. CAMPBELL, Mr. NELSON, of Florida, Mr. WELLSTONE, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4854. Mr. GREGG (for himself, Mr. HOLLINGS, Mr. SHELBY, Mr. HARKIN, Mr. STEVENS, Mr. INOUE, Mr. COCHRAN, Mr. HELMS, Mr. JOHNSON, Mr. SESSIONS, Mr. BINGAMAN, Mr. GRASSLEY, Ms. LANDRIEU, Mrs. FEINSTEIN, Mr. ALLEN, Mr. DOMENICI, Mrs. HUTCHISON, Mr. KOHL, Mr. BURNS, Mr. REED, Mr. BIDEN, Mrs. LINCOLN, Mr. FEINGOLD, Mr. THURMOND, Mr. ENZI, Mr. BREAUX, Mr. MCCONNELL, Mr. CRAIG, Mr. CLELAND, Mr. BENNETT, Mr. TORRICELLI, Mr. DASCHLE, Mr. LEAHY, Mr. WYDEN, Mr. CAMPBELL, Mr. NELSON, of Florida, Mr. WELLSTONE, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4855. Mr. REID (for Mr. MCCAIN (for himself and Mr. BAUCUS)) proposed an amendment to the bill H.R. 5063, An Act to amend the Internal Revenue Code of 1986 to improve tax equity for military personnel, and for other purposes.

TEXT OF AMENDMENTS

SA 4852. Mr. GREGG (for himself, Mr. HOLLINGS, Mr. SHELBY, Mr. HARKIN, Mr. STEVENS, Mr. INOUE, Mr. COCHRAN, Mr. HELMS, Mr. JOHNSON, Mr. SESSIONS, Mr. BINGAMAN, Mr. GRASSLEY, Ms. LANDRIEU, Mrs. FEINSTEIN, Mr. ALLEN, Mr. DOMENICI, Mrs. HUTCHISON, Mr. KOHL, Mr. BURNS, Mr. REED, Mr. BIDEN, Mrs. LINCOLN, Mr. FEINGOLD, Mr. THURMOND, Mr. ENZI, Mr. BREAUX, Mr. MCCONNELL, Mr. CRAIG, Mr. CLELAND, Mr. BENNETT, Mr. TORRICELLI, Mr. DASCHLE, Mr. LEAHY, Mr. WYDEN, Mr. CAMPBELL, Mr. NELSON of Florida, Mr. WELLSTONE, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted insert the following:

SEC. 507. OFFICE FOR DOMESTIC PREPAREDNESS.

(a) **ESTABLISHMENT.**—There is established within the Directorate of Emergency Preparedness and Response the Office for Domestic Preparedness.

(b) **DIRECTOR.**—There shall be a Director of the Office for Domestic Preparedness, who shall be appointed by the President, by and with the advice and consent of the Senate. The Director of the Office for Domestic Preparedness shall report directly to the Under Secretary for Emergency Preparedness and Response.

(c) **RESPONSIBILITIES.**—The Office for Domestic Preparedness shall have the primary responsibility within the executive branch of Government for the preparedness of the United States for acts of terrorism, including—

(1) coordinating preparedness efforts at the Federal level, and working with all State, local, tribal, parish, and private sector emergency response providers on all matters pertaining to combating terrorism, including training, exercises, and equipment support;

(2) in keeping with intelligence estimates, working to ensure adequate strategic and operational planning, equipment, training, and exercise activities at all levels of government;

(3) coordinating or, as appropriate, consolidating communications and systems of communications relating to homeland security at all levels of government;

(4) directing and supervising terrorism preparedness grant programs of the Federal Government for all emergency response providers;

(5) incorporating the Strategy priorities into planning guidance on an agency level for the preparedness efforts of the Office for Domestic Preparedness;

(6) providing agency-specific training for agents and analysts within the Department, other agencies, and State and local agencies and international entities;

(7) as the lead executive branch agency for preparedness of the United States for acts of terrorism, cooperating closely with the Federal Emergency Management Agency, which shall have the primary responsibility within the executive branch to prepare for and mitigate the effects of nonterrorist-related disasters in the United States;

(8) assisting and supporting the Secretary, in coordination with other Directorates and entities outside the Department, in conducting appropriate risk analysis and risk management activities consistent with the

mission and functions of the Directorate; and

(9) those elements of the Office of National Preparedness of the Federal Emergency Management Agency which relate to terrorism, which shall be consolidated within the Department in the Office for Domestic Preparedness established under this section.

(d) **FISCAL YEARS 2003 and 2004.**—During fiscal year 2003 and fiscal year 2004, the Director of the Office for Domestic Preparedness established under this section shall manage and carry out those functions of the Office for Domestic Preparedness of the Department of Justice (transferred under this section) before September 11, 2001, under the same terms, conditions, policies, and authorities, and with the required level of personnel, assets, and budget before September 11, 2001.

(e) **REPORT.**—Not later than the submission of the fiscal year 2005 budget request, the Secretary shall submit to Congress a detailed report containing a comprehensive, independent analysis, and recommendations addressing whether there should be a single office within the Department responsible for the domestic preparedness of the United States for all hazards, including terrorism and natural disasters. The analysis shall include an examination of the advantages, disadvantages, costs, and benefits of creating a single office for all hazards preparedness within the Department.

SA 4853. Mr. GREGG (for himself, Mr. HOLLINGS, Mr. SHELBY, Mr. HARKIN, Mr. STEVENS, Mr. INOUE, Mr. COCHRAN, Mr. HELMS, Mr. JOHNSON, Mr. SESSIONS, Mr. BINGAMAN, Mr. GRASSLEY, Ms. LANDRIEU, Mrs. FEINSTEIN, Mr. ALLEN, Mr. DOMENICI, Mrs. HUTCHISON, Mr. KOHL, Mr. BURNS, Mr. REED, Mr. BIDEN, Mrs. LINCOLN, Mr. FEINGOLD, Mr. THURMOND, Mr. ENZI, Mr. BREAUX, Mr. MCCONNELL, Mr. CRAIG, Mr. CLELAND, Mr. BENNETT, Mr. TORRICELLI, Mr. DASCHLE, Mr. LEAHY, Mr. WYDEN, Mr. CAMPBELL, Mr. NELSON of Florida, Mr. WELLSTONE, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the first word and insert the following:

SEC. 507. OFFICE FOR DOMESTIC PREPAREDNESS.

(a) **ESTABLISHMENT.**—There is established within the Directorate of Emergency Preparedness and Response the Office for Domestic Preparedness.

(b) **DIRECTOR.**—There shall be a Director of the Office for Domestic Preparedness, who shall be appointed by the President, by and with the advice and consent of the Senate. The Director of the Office for Domestic Preparedness shall report directly to the Under Secretary for Emergency Preparedness and Response.

(c) **RESPONSIBILITIES.**—The Office for Domestic Preparedness shall have the primary responsibility within the executive branch of Government for the preparedness of the United States for acts of terrorism, including—

(1) coordinating preparedness efforts at the Federal level, and working with all State, local, tribal, parish, and private sector emergency response providers on all matters pertaining to combating terrorism, including training, exercises, and equipment support;

(2) in keeping with intelligence estimates, working to ensure adequate strategic and

operational planning, equipment, training, and exercise activities at all levels of government;

(3) coordinating or, as appropriate, consolidating communications and systems of communications relating to homeland security at all levels of government;

(4) directing and supervising terrorism preparedness grant programs of the Federal Government for all emergency response providers;

(5) incorporating the Strategy priorities into planning guidance on an agency level for the preparedness efforts of the Office for Domestic Preparedness;

(6) providing agency-specific training for agents and analysts within the Department, other agencies, and State and local agencies and international entities;

(7) as the lead executive branch agency for preparedness of the United States for acts of terrorism, cooperating closely with the Federal Emergency Management Agency, which shall have the primary responsibility within the executive branch to prepare for and mitigate the effects of nonterrorist-related disasters in the United States;

(8) assisting and supporting the Secretary, in coordination with other Directorates and entities outside the Department, in conducting appropriate risk analysis and risk management activities consistent with the mission and functions of the Directorate; and

(9) those elements of the Office of National Preparedness of the Federal Emergency Management Agency which relate to terrorism, which shall be consolidated within the Department in the Office for Domestic Preparedness established under this section.

(d) FISCAL YEARS 2003 and 2004.—During fiscal year 2003 and fiscal year 2004, the Director of the Office for Domestic Preparedness established under this section shall manage and carry out those functions of the Office for Domestic Preparedness of the Department of Justice (transferred under this section) before September 11, 2001, under the same terms, conditions, policies, and authorities, and with the required level of personnel, assets, and budget before September 11, 2001.

(e) REPORT.—Not later than the submission of the fiscal year 2005 budget request, the Secretary shall submit to Congress a detailed report containing a comprehensive, independent analysis, and recommendations addressing whether there should be a single office within the Department responsible for the domestic preparedness of the United States for all hazards, including terrorism and natural disasters. The analysis shall include an examination of the advantages, disadvantages, costs, and benefits of creating a single office for all hazards preparedness within the Department.

SA 4854. Mr. GREGG (for himself, Mr. HOLLINGS, Mr. SHELBY, Mr. HARKIN, Mr. STEVENS, Mr. INOUE, Mr. COCHRAN, Mr. HELMS, Mr. JOHNSON, Mr. SESSIONS, Mr. BINGAMAN, Mr. GRASSLEY, Ms. LANDRIEU, Mrs. FEINSTEIN, Mr. ALLEN, Mr. DOMENICI, Mrs. HUTCHISON, Mr. KOHL, Mr. BURNS, Mr. REED, Mr. BIDEN, Mrs. LINCOLN, Mr. FEINGOLD, Mr. THURMOND, Mr. ENZI, Mr. BREAU, Mr. MCCONNELL, Mr. CRAIG, Mr. CLELAND, Mr. BENNETT, Mr. TORRICELLI, Mr. DASCHLE, Mr. LEAHY, Mr. WYDEN, Mr. CAMPBELL, Mr. NELSON of Florida, Mr. WELLSTONE, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes;

which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 507. OFFICE FOR DOMESTIC PREPAREDNESS.

(a) ESTABLISHMENT.—There is established within the Directorate of Emergency Preparedness and Response the Office for Domestic Preparedness.

(b) DIRECTOR.—There shall be a Director of the Office for Domestic Preparedness, who shall be appointed by the President, by and with the advice and consent of the Senate. The Director of the Office for Domestic Preparedness shall report directly to the Under Secretary for Emergency Preparedness and Response.

(c) RESPONSIBILITIES.—The Office for Domestic Preparedness shall have the primary responsibility within the executive branch of Government for the preparedness of the United States for acts of terrorism, including—

(1) coordinating preparedness efforts at the Federal level, and working with all State, local, tribal, parish, and private sector emergency response providers on all matters pertaining to combating terrorism, including training, exercises, and equipment support;

(2) in keeping with intelligence estimates, working to ensure adequate strategic and operational planning, equipment, training, and exercise activities at all levels of government;

(3) coordinating or, as appropriate, consolidating communications and systems of communications relating to homeland security at all levels of government;

(4) directing and supervising terrorism preparedness grant programs of the Federal Government for all emergency response providers;

(5) incorporating the Strategy priorities into planning guidance on an agency level for the preparedness efforts of the Office for Domestic Preparedness;

(6) providing agency-specific training for agents and analysts within the Department, other agencies, and State and local agencies and international entities;

(7) as the lead executive branch agency for preparedness of the United States for acts of terrorism, cooperating closely with the Federal Emergency Management Agency, which shall have the primary responsibility within the executive branch to prepare for and mitigate the effects of nonterrorist-related disasters in the United States;

(8) assisting and supporting the Secretary, in coordination with other Directorates and entities outside the Department, in conducting appropriate risk analysis and risk management activities consistent with the mission and functions of the Directorate; and

(9) those elements of the Office of National Preparedness of the Federal Emergency Management Agency which relate to terrorism, which shall be consolidated within the Department in the Office for Domestic Preparedness established under this section.

(d) FISCAL YEARS 2003 and 2004.—During fiscal year 2003 and fiscal year 2004, the Director of the Office for Domestic Preparedness established under this section shall manage and carry out those functions of the Office for Domestic Preparedness of the Department of Justice (transferred under this section) before September 11, 2001, under the same terms, conditions, policies, and authorities, and with the required level of personnel, assets, and budget before September 11, 2001.

(e) REPORT.—Not later than the submission of the fiscal year 2005 budget request, the Secretary shall submit to Congress a de-

tailed report containing a comprehensive, independent analysis, and recommendations addressing whether there should be a single office within the Department responsible for the domestic preparedness of the United States for all hazards, including terrorism and natural disasters. The analysis shall include an examination of the advantages, disadvantages, costs, and benefits of creating a single office for all hazards preparedness within the Department.

SA 4855. Mr. REID (for Mr. MCCAIN (for himself and Mr. BAUCUS)) proposed an amendment to the bill H.R. 5063, An Act to amend the Internal Revenue Code of 1986 to improve tax equity for military personnel, and for other purposes; as follows:

On page 9, strike lines 9 through 12, and insert the following:

(b) EFFECTIVE DATE; SPECIAL RULE.—

(1) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the amendments made by section 312 of the Taxpayer Relief Act of 1997.

(2) WAIVER OF LIMITATIONS.—If refund or credit of any overpayment of tax resulting from the amendment made by this section is prevented at any time before the close of the 1-year period beginning on the date of the enactment of this Act by the operation of any law or rule of law (including res judicata), such refund or credit may nevertheless be made or allowed if claim therefor is filed before the close of such period.

On page 46, after line 14, add the following:

SEC. 203. PARTIAL PAYMENT OF TAX LIABILITY IN INSTALLMENT AGREEMENTS.

(a) IN GENERAL.—

(1) Section 6159(a) (relating to authorization of agreements) is amended—

(A) by striking “satisfy liability for payment of” and inserting “make payment on”, and

(B) by inserting “full or partial” after “facilitate”.

(2) Section 6159(c) (relating to Secretary required to enter into installment agreements in certain cases) is amended in the matter preceding paragraph (1) by inserting “full” before “payment”.

(b) REQUIREMENT TO REVIEW PARTIAL PAYMENT AGREEMENTS EVERY TWO YEARS.—Section 6159 is amended by redesignating subsections (d) and (e) as subsections (e) and (f), respectively, and inserting after subsection (c) the following new subsection:

“(d) SECRETARY REQUIRED TO REVIEW INSTALLMENT AGREEMENTS FOR PARTIAL COLLECTION EVERY TWO YEARS.—In the case of an agreement entered into by the Secretary under subsection (a) for partial collection of a tax liability, the Secretary shall review the agreement at least once every 2 years.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to agreements entered into on or after the date of the enactment of this Act.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, October 3, 2002, at 9:30 a.m., to conduct an oversight hearing on “The Administration’s National Money Laundering Strategy for 2002.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, October 3, 2002, at 2:30 p.m., to conduct a hearing on the nominations of Mr. Alberto Faustino Trevino, of California, to be Assistant Secretary of Housing and Urban Development for Policy Development and Research; Mr. Armando J. Bucelo, Jr., of Florida, to be a Director of the Securities Investor Protection Corporation; Ms. Diana E. Furchtgott-Roth, of Maryland, to be a Director of the Federal Housing Finance Board; Ms. Carolyn Y. Peoples, of Maryland, to be Assistant Secretary of Housing and Urban Development for Fair Housing and Equal Opportunity; Ms. Deborah Doyle McWhinney, of California, to be a Director of the Securities Investor Protection Corporation; Mr. John M. Reich, of Virginia, to be Vice Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation; Mr. Rafael Cuellar, of New Jersey, to be a member of the Board of Directors of the National Consumer Cooperative Bank; and Mr. Michael Scott, of North Carolina, to be a member of the Board of Directors of the National Consumer Cooperative Bank.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, October 3, 2002, at 9:30 a.m. on National Park Overflights..

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, October 3, 2002, at 10:00 a.m., to hear testimony on the Final Report produced by the President's Commission to Strengthen Social Security.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, October 3, 2002, at 9 a.m., to hold a nomination hearing.

Agenda

Nominees

Mr. Richard A. Roth, of Michigan, to be Ambassador to the Republic of Senegal, and to serve concurrently and without additional compensation as Ambassador to the Republic of Guinea-Bissau; Mr. Joseph Huggins, of the Dis-

trict of Columbia, to be Ambassador to the Republic of Botswana; and Ms. Robin R. Sanders, of New York, to be Ambassador to the Republic of Congo.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, October 3, 2002, at 10:30 a.m., to hold a nomination hearing.

Agenda

Nominees

The Honorable Maura A. Harty to be Assistant Secretary of State for Consular Affairs; Mr. Kim R. Holmes to be Assistant Secretary of State for International Organization Affairs.

To be introduced by: The Honorable GEORGE ALLEN, United States Senate, Washington, DC: The Honorable Ellen R. Sauerbrey for the rank of Ambassador as the United States Representative to the Commission on the Status of Women of the Economic & Social Council of the United Nations.

To be introduced by: The Honorable GEORGE ALLEN, United States Senate, Washington, DC: The Honorable Francis X. Taylor to be Assistant Secretary of State for Diplomatic Security, and Director, Office of Foreign Missions, with the rank of Ambassador.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Thursday, October 3, 2002, at 9 a.m., to receive testimony on the nomination of Bruce R. James, of Nevada, to be Public Printer.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, October 3, 2002, at 10 a.m., to hold a joint hearing with the House Permanent Select Committee on Intelligence concerning the Joint Inquiry into the events of September 11, 2001.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, October 3, 2002, at 6 p.m., to hold a closed conference with the House Permanent Select Committee on Intelligence concerning the fiscal year 2003 Intelligence authorization.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee

on Science, Technology, and Space be authorized to meet on Thursday, October 3, 2002, at 2:30 p.m., on Title IX and Science.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Madam President, I ask unanimous consent that Robert Kerr, a fellow in my office, be granted the privilege of the floor during the duration of the debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S.J. 45

Mr. REID. Mr. President, I ask unanimous consent that the motion to proceed to S.J. Res. 45 be agreed to and that consideration of the joint resolution be limited to debate only until Tuesday, October 8.

The PRESIDING OFFICER. Without objection, it is so ordered.

ARMED FORCES TAX FAIRNESS ACT OF 2002

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the consideration of Calendar No. 603, H.R. 5063.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5063) to amend the Internal Revenue Code of 1986 to provide a special rule for members of the uniformed services in determining the exclusion of gain from the sale of principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services.

There being no objection, the Senate proceeded to consider the joint resolution which had been reported from the Committee on Finance, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

[Strike the part shown in black brackets and insert the part shown in italic.]

SECTION 1. SHORT TITLE.

[This Act may be cited as the "Armed Forces Tax Fairness Act of 2002".]

SEC. 2. SPECIAL RULE FOR MEMBERS OF UNIFORMED SERVICES IN DETERMINING EXCLUSION OF GAIN FROM SALE OF PRINCIPAL RESIDENCE.

[(a) IN GENERAL.—Subsection (d) of section 121 of the Internal Revenue Code of 1986 (relating to exclusion of gain from sale of principal residence) is amended by adding at the end the following new paragraph:

["(9) MEMBERS OF UNIFORMED SERVICES.—

["(A) IN GENERAL.—At the election of an individual with respect to a property, the running of the 5-year period described in subsection (a) with respect to such property shall be suspended during any period that such individual or such individual's spouse is serving on qualified official extended duty as a member of the uniformed services.

["(B) MAXIMUM PERIOD OF SUSPENSION.—The 5-year period described in subsection (a)

shall not be extended more than 5 years by reason of subparagraph (A).

["(C) QUALIFIED OFFICIAL EXTENDED DUTY.—For purposes of this paragraph—

["(i) IN GENERAL.—The term 'qualified official extended duty' means any extended duty while serving at a duty station which is at least 250 miles from such property or while residing under Government orders in Government quarters.

["(ii) UNIFORMED SERVICES.—The term 'uniformed services' has the meaning given such term by section 101(a)(5) of title 10, United States Code, as in effect on the date of the enactment of this paragraph.

["(iii) EXTENDED DUTY.—The term 'extended duty' means any period of active duty pursuant to a call or order to such duty for a period in excess of 180 days or for an indefinite period.

["(D) SPECIAL RULES RELATING TO ELECTION.—

["(i) ELECTION LIMITED TO 1 PROPERTY AT A TIME.—An election under subparagraph (A) with respect to any property may not be made if such an election is in effect with respect to any other property.

["(ii) REVOCATION OF ELECTION.—An election under subparagraph (A) may be revoked at any time."

["(b) EFFECTIVE DATE.—The amendment made by this section shall apply to elections made after the date of the enactment of this Act for suspended periods under section 121(d)(9) of the Internal Revenue Code of 1986 (as added by this section) beginning after such date.

[SEC. 3. RESTORATION OF FULL EXCLUSION FROM GROSS INCOME OF DEATH GRATUITY PAYMENT.

["(a) IN GENERAL.—Subsection (b)(3) of section 134 of the Internal Revenue Code of 1986 (relating to certain military benefits) is amended by adding at the end the following new subparagraph:

["(C) EXCEPTION FOR DEATH GRATUITY ADJUSTMENTS MADE BY LAW.—Subparagraph (A) shall not apply to any adjustment to the amount of death gratuity payable under chapter 75 of title 10, United States Code, which is pursuant to a provision of law enacted before December 31, 1991."

["(b) CONFORMING AMENDMENT.—Subparagraph (A) of section 134(b)(3) of such Code is amended by striking "subparagraph (B)" and inserting "subparagraphs (B) and (C)".

["(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to deaths occurring after September 10, 2001.]

SECTION 1. SHORT TITLE; ETC.

(a) **SHORT TITLE.**—This Act may be cited as the "Armed Forces Tax Fairness Act of 2002".

(b) **AMENDMENT OF 1986 CODE.**—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; etc.

TITLE I—IMPROVING TAX EQUITY FOR MILITARY PERSONNEL

Sec. 101. Exclusion from gross income of certain death gratuity payments.

Sec. 102. Exclusion of gain from sale of a principal residence by a member of the uniformed services or the Foreign Service.

Sec. 103. Exclusion for amounts received under Department of Defense Homeowners Assistance Program.

Sec. 104. Expansion of combat zone filing rules to contingency operations.

Sec. 105. Above-the-line deduction for overnight travel expenses of National Guard and Reserve members.

Sec. 106. Modification of membership requirement for exemption from tax for certain veterans' organizations.

Sec. 107. Clarification of treatment of certain dependent care assistance programs.

TITLE II—OTHER PROVISIONS

Sec. 201. Revision of tax rules on expatriation.

Sec. 202. Extension of IRS user fees.

TITLE I—IMPROVING TAX EQUITY FOR MILITARY PERSONNEL

SEC. 101. EXCLUSION FROM GROSS INCOME OF CERTAIN DEATH GRATUITY PAYMENTS.

(a) **IN GENERAL.**—Subsection (b)(3) of section 134 (relating to certain military benefits) is amended by adding at the end the following new subparagraph:

“(C) EXCEPTION FOR DEATH GRATUITY ADJUSTMENTS MADE BY LAW.—Subparagraph (A) shall not apply to any adjustment to the amount of death gratuity payable under chapter 75 of title 10, United States Code, which is pursuant to a provision of law enacted after September 9, 1986.”

(b) **CONFORMING AMENDMENT.**—Subparagraph (A) of section 134(b)(3) is amended by striking “subparagraph (B)” and inserting “subparagraphs (B) and (C)”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to deaths occurring after September 10, 2001.

SEC. 102. EXCLUSION OF GAIN FROM SALE OF A PRINCIPAL RESIDENCE BY A MEMBER OF THE UNIFORMED SERVICES OR THE FOREIGN SERVICE.

(a) **IN GENERAL.**—Subsection (d) of section 121 (relating to exclusion of gain from sale of principal residence) is amended by adding at the end the following new paragraph:

“(9) MEMBERS OF UNIFORMED SERVICES AND FOREIGN SERVICE.—

“(A) **IN GENERAL.**—At the election of an individual with respect to a property, the running of the 5-year period described in subsection (a) with respect to such property shall be suspended during any period that such individual or such individual's spouse is serving on qualified official extended duty as a member of the uniformed services or of the Foreign Service of the United States.

“(B) **MAXIMUM PERIOD OF SUSPENSION.**—The 5-year period described in subsection (a) shall not be extended more than 10 years by reason of subparagraph (A).

“(C) **QUALIFIED OFFICIAL EXTENDED DUTY.**—For purposes of this paragraph—

“(i) **IN GENERAL.**—The term 'qualified official extended duty' means any extended duty while serving at a duty station which is at least 50 miles from such property or while residing under Government orders in Government quarters.

“(ii) **UNIFORMED SERVICES.**—The term 'uniformed services' has the meaning given such term by section 101(a)(5) of title 10, United States Code, as in effect on the date of the enactment of this paragraph.

“(iii) **FOREIGN SERVICE OF THE UNITED STATES.**—The term 'member of the Foreign Service of the United States' has the meaning given the term 'member of the Service' by paragraph (1), (2), (3), (4), or (5) of section 103 of the Foreign Service Act of 1980.

“(iv) **EXTENDED DUTY.**—The term 'extended duty' means any period of duty pursuant to a call or order to such duty for a period in excess of 90 days or for an indefinite period.

“(D) **SPECIAL RULES RELATING TO ELECTION.**—

“(i) **ELECTION LIMITED TO 1 PROPERTY AT A TIME.**—An election under subparagraph (A) with respect to any property may not be made if such an election is in effect with respect to any other property.

“(ii) **REVOCATION OF ELECTION.**—An election under subparagraph (A) may be revoked at any time.”

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to elections made with respect to sales and exchanges occurring after the date of the enactment of this Act.

SEC. 103. EXCLUSION FOR AMOUNTS RECEIVED UNDER DEPARTMENT OF DEFENSE HOMEOWNERS ASSISTANCE PROGRAM.

(a) **IN GENERAL.**—Section 132(a) (relating to the exclusion from gross income of certain fringe benefits) is amended by striking “or” at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting “, or” and by adding at the end the following new paragraph:

“(8) qualified military base realignment and closure fringe.”

(b) **QUALIFIED MILITARY BASE REALIGNMENT AND CLOSURE FRINGE.**—Section 132 is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

“(m) **QUALIFIED MILITARY BASE REALIGNMENT AND CLOSURE FRINGE.**—For purposes of this section, the term 'qualified military base realignment and closure fringe' means 1 or more payments under the authority of section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to offset the adverse effects on housing values as a result of a military base realignment or closure.”

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to payments made after the date of the enactment of this Act.

SEC. 104. EXPANSION OF COMBAT ZONE FILING RULES TO CONTINGENCY OPERATIONS.

(a) **IN GENERAL.**—Section 7508(a) (relating to time for performing certain acts postponed by reason of service in combat zone) is amended—

(1) by inserting “or when deployed outside the United States away from the individual's permanent duty station while participating in an operation designated by the Secretary of Defense as a contingency operation (as defined in section 101(a)(13) of title 10, United States Code) or which became such a contingency operation by operation of law” after “section 112”,

(2) by inserting in the first sentence “or at any time during the period of such contingency operation” after “for purposes of such section”,

(3) by inserting “or operation” after “such an area”, and

(4) by inserting “or operation” after “such area”.

(b) **CONFORMING AMENDMENTS.**—

(1) Section 7508(d) is amended by inserting “or contingency operation” after “area”.

(2) The heading for section 7508 is amended by inserting “**OR CONTINGENCY OPERATION**” after “**COMBAT ZONE**”.

(3) The item relating to section 7508 in the table of sections for chapter 77 is amended by inserting “or contingency operation” after “combat zone”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to any period for performing an act which has not expired before the date of the enactment of this Act.

SEC. 105. ABOVE-THE-LINE DEDUCTION FOR OVERNIGHT TRAVEL EXPENSES OF NATIONAL GUARD AND RESERVE MEMBERS.

(a) **DEDUCTION ALLOWED.**—Section 162 (relating to certain trade or business expenses) is amended by redesignating subsection (p) as subsection (q) and inserting after subsection (o) the following new subsection:

“(p) **TREATMENT OF EXPENSES OF MEMBERS OF RESERVE COMPONENT OF ARMED FORCES OF THE UNITED STATES.**—For purposes of subsection (a)(2), in the case of an individual who performs services as a member of a reserve component of the Armed Forces of the United States at any time during the taxable year, such individual shall be deemed to be away from home in the pursuit of a trade or business for any period during which such individual is away from home in connection with such service.”

(b) DEDUCTION ALLOWED WHETHER OR NOT TAXPAYER ELECTS TO ITEMIZE.—Section 62(a)(2) (relating to certain trade and business deductions of employees) is amended by adding at the end the following new subparagraph:

“(E) CERTAIN EXPENSES OF MEMBERS OF RESERVE COMPONENTS OF THE ARMED FORCES OF THE UNITED STATES.—The deductions allowed by section 162 which consist of expenses, in amounts not in excess of the rates for travel expenses (including per diem in lieu of subsistence) authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, paid or incurred by the taxpayer in connection with the performance of services by such taxpayer as a member of a reserve component of the Armed Forces of the United States.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2001.

SEC. 106. MODIFICATION OF MEMBERSHIP REQUIREMENT FOR EXEMPTION FROM TAX FOR CERTAIN VETERANS' ORGANIZATIONS.

(a) IN GENERAL.—Subparagraph (B) of section 501(c)(19) (relating to list of exempt organizations) is amended by striking “or widowers” and inserting “, widowers, or ancestors or lineal descendants”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 107. CLARIFICATION OF THE TREATMENT OF CERTAIN DEPENDENT CARE ASSISTANCE PROGRAMS.

(a) IN GENERAL.—Section 134(b) (defining qualified military benefit) is amended by adding at the end the following new paragraph:

“(4) CLARIFICATION OF CERTAIN BENEFITS.—For purposes of paragraph (1), such term includes any dependent care assistance program for any individual described in paragraph (1)(A).”

(b) CONFORMING AMENDMENTS.—

(1) Section 134(b)(3)(A) is amended by inserting “and paragraph (4)” after “subparagraph (B)”.

(2) Section 3121(a)(18) is amended by striking “or 129” and inserting “, 129, or 134(b)(4)”.

(3) Section 3306(b)(13) is amended by striking “or 129” and inserting “, 129, or 134(b)(4)”.

(4) Section 3401(a)(18) is amended by striking “or 129” and inserting “, 129, or 134(b)(4)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

(d) NO INFERENCE.—No inference may be drawn from the amendments made by this section with respect to the tax treatment of any amounts under the program described in section 134(b)(4) of the Internal Revenue Code of 1986 (as added by this section) for any taxable year beginning before January 1, 2002.

TITLE II—OTHER PROVISIONS

SEC. 201. REVISION OF TAX RULES ON EXPATRIATION.

(a) IN GENERAL.—Subpart A of part II of subchapter N of chapter 1 is amended by inserting after section 877 the following new section:

“SEC. 877A. TAX RESPONSIBILITIES OF EXPATRIATION.

“(a) GENERAL RULES.—For purposes of this subtitle—

“(1) MARK TO MARKET.—Except as provided in subsections (d) and (f), all property of a covered expatriate to whom this section applies shall be treated as sold on the day before the expatriation date for its fair market value.

“(2) RECOGNITION OF GAIN OR LOSS.—In the case of any sale under paragraph (1)—

“(A) notwithstanding any other provision of this title, any gain arising from such sale shall be taken into account for the taxable year of the sale, and

“(B) any loss arising from such sale shall be taken into account for the taxable year of the sale to the extent otherwise provided by this title, except that section 1091 shall not apply to any such loss.

Proper adjustment shall be made in the amount of any gain or loss subsequently realized for gain or loss taken into account under the preceding sentence.

“(3) EXCLUSION FOR CERTAIN GAIN.—

“(A) IN GENERAL.—The amount which, but for this paragraph, would be includible in the gross income of any individual by reason of this section shall be reduced (but not below zero) by \$600,000. For purposes of this paragraph, allocable expatriation gain taken into account under subsection (f)(2) shall be treated in the same manner as an amount required to be includible in gross income.

“(B) COST-OF-LIVING ADJUSTMENT.—

“(i) IN GENERAL.—In the case of an expatriation date occurring in any calendar year after 2002, the \$600,000 amount under subparagraph (A) shall be increased by an amount equal to—

“(I) such dollar amount, multiplied by

“(II) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting ‘calendar year 2001’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(ii) ROUNDING RULES.—If any amount after adjustment under clause (i) is not a multiple of \$1,000, such amount shall be rounded to the next lower multiple of \$1,000.

“(4) ELECTION TO CONTINUE TO BE TAXED AS UNITED STATES CITIZEN.—

“(A) IN GENERAL.—If a covered expatriate elects the application of this paragraph—

“(i) this section (other than this paragraph and subsection (i)) shall not apply to the expatriate, but

“(ii) in the case of property to which this section would apply but for such election, the expatriate shall be subject to tax under this title in the same manner as if the individual were a United States citizen.

“(B) REQUIREMENTS.—Subparagraph (A) shall not apply to an individual unless the individual—

“(i) provides security for payment of tax in such form and manner, and in such amount, as the Secretary may require,

“(ii) consents to the waiver of any right of the individual under any treaty of the United States which would preclude assessment or collection of any tax which may be imposed by reason of this paragraph, and

“(iii) complies with such other requirements as the Secretary may prescribe.

“(C) ELECTION.—An election under subparagraph (A) shall apply to all property to which this section would apply but for the election and, once made, shall be irrevocable. Such election shall also apply to property the basis of which is determined in whole or in part by reference to the property with respect to which the election was made.

“(b) ELECTION TO DEFER TAX.—

“(1) IN GENERAL.—If the taxpayer elects the application of this subsection with respect to any property treated as sold by reason of subsection (a), the payment of the additional tax attributable to such property shall be postponed until the due date of the return for the taxable year in which such property is disposed of (or, in the case of property disposed of in a transaction in which gain is not recognized in whole or in part, until such other date as the Secretary may prescribe).

“(2) DETERMINATION OF TAX WITH RESPECT TO PROPERTY.—For purposes of paragraph (1), the additional tax attributable to any property is an amount which bears the same ratio to the additional tax imposed by this chapter for the taxable year solely by reason of subsection (a) as the gain taken into account under subsection (a) with respect to such property bears to the

total gain taken into account under subsection (a) with respect to all property to which subsection (a) applies.

“(3) TERMINATION OF POSTPONEMENT.—No tax may be postponed under this subsection later than the due date for the return of tax imposed by this chapter for the taxable year which includes the date of death of the expatriate (or, if earlier, the time that the security provided with respect to the property fails to meet the requirements of paragraph (4), unless the taxpayer corrects such failure within the time specified by the Secretary).

“(4) SECURITY.—

“(A) IN GENERAL.—No election may be made under paragraph (1) with respect to any property unless adequate security is provided to the Secretary with respect to such property.

“(B) ADEQUATE SECURITY.—For purposes of subparagraph (A), security with respect to any property shall be treated as adequate security if—

“(i) it is a bond in an amount equal to the deferred tax amount under paragraph (2) for the property, or

“(ii) the taxpayer otherwise establishes to the satisfaction of the Secretary that the security is adequate.

“(5) WAIVER OF CERTAIN RIGHTS.—No election may be made under paragraph (1) unless the taxpayer consents to the waiver of any right under any treaty of the United States which would preclude assessment or collection of any tax imposed by reason of this section.

“(6) ELECTIONS.—An election under paragraph (1) shall only apply to property described in the election and, once made, is irrevocable. An election may be made under paragraph (1) with respect to an interest in a trust with respect to which gain is required to be recognized under subsection (f)(1).

“(7) INTEREST.—For purposes of section 6601—

“(A) the last date for the payment of tax shall be determined without regard to the election under this subsection, and

“(B) section 6621(a)(2) shall be applied by substituting ‘5 percentage points’ for ‘3 percentage points’ in subparagraph (B) thereof.

“(c) COVERED EXPATRIATE.—For purposes of this section—

“(1) IN GENERAL.—Except as provided in paragraph (2), the term ‘covered expatriate’ means an expatriate.

“(2) EXCEPTIONS.—An individual shall not be treated as a covered expatriate if—

“(A) the individual—

“(i) became at birth a citizen of the United States and a citizen of another country and, as of the expatriation date, continues to be a citizen of, and is taxed as a resident of, such other country, and

“(ii) has not been a resident of the United States (as defined in section 7701(b)(1)(A)(ii)) during the 5 taxable years ending with the taxable year during which the expatriation date occurs, or

“(B)(i) the individual’s relinquishment of United States citizenship occurs before such individual attains age 18½, and

“(ii) the individual has been a resident of the United States (as so defined) for not more than 5 taxable years before the date of relinquishment.

“(d) EXEMPT PROPERTY; SPECIAL RULES FOR PENSION PLANS.—

“(1) EXEMPT PROPERTY.—This section shall not apply to the following:

“(A) UNITED STATES REAL PROPERTY INTERESTS.—Any United States real property interest (as defined in section 897(c)(1)), other than stock of a United States real property holding corporation which does not, on the day before the expatriation date, meet the requirements of section 897(c)(2).

“(B) SPECIFIED PROPERTY.—Any property or interest in property not described in subparagraph (A) which the Secretary specifies in regulations.

“(2) SPECIAL RULES FOR CERTAIN RETIREMENT PLANS.—

“(A) IN GENERAL.—If a covered expatriate holds on the day before the expatriation date any interest in a retirement plan to which this paragraph applies—

“(i) such interest shall not be treated as sold for purposes of subsection (a)(1), but

“(ii) an amount equal to the present value of the expatriate's nonforfeitable accrued benefit shall be treated as having been received by such individual on such date as a distribution under the plan.

“(B) TREATMENT OF SUBSEQUENT DISTRIBUTIONS.—In the case of any distribution on or after the expatriation date to or on behalf of the covered expatriate from a plan from which the expatriate was treated as receiving a distribution under subparagraph (A), the amount otherwise includible in gross income by reason of the subsequent distribution shall be reduced by the excess of the amount includible in gross income under subparagraph (A) over any portion of such amount to which this subparagraph previously applied.

“(C) TREATMENT OF SUBSEQUENT DISTRIBUTIONS BY PLAN.—For purposes of this title, a retirement plan to which this paragraph applies, and any person acting on the plan's behalf, shall treat any subsequent distribution described in subparagraph (B) in the same manner as such distribution would be treated without regard to this paragraph.

“(D) APPLICABLE PLANS.—This paragraph shall apply to—

“(i) any qualified retirement plan (as defined in section 4974(c)),

“(ii) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A), and

“(iii) to the extent provided in regulations, any foreign pension plan or similar retirement arrangements or programs.

“(e) DEFINITIONS.—For purposes of this section—

“(1) EXPATRIATE.—The term ‘expatriate’ means—

“(A) any United States citizen who relinquishes citizenship, and

“(B) any long-term resident of the United States who—

“(i) ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)), or

“(ii) commences to be treated as a resident of a foreign country under the provisions of a tax treaty between the United States and the foreign country and who does not waive the benefits of such treaty applicable to residents of the foreign country.

“(2) EXPATRIATION DATE.—The term ‘expatriation date’ means—

“(A) the date an individual relinquishes United States citizenship, or

“(B) in the case of a long-term resident of the United States, the date of the event described in clause (i) or (ii) of paragraph (1)(B).

“(3) RELINQUISHMENT OF CITIZENSHIP.—A citizen shall be treated as relinquishing United States citizenship on the earliest of—

“(A) the date the individual renounces such individual's United States nationality before a diplomatic or consular officer of the United States pursuant to paragraph (5) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(5)),

“(B) the date the individual furnishes to the United States Department of State a signed statement of voluntary relinquishment of United States nationality confirming the performance of an act of expatriation specified in paragraph (1), (2), (3), or (4) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(1)–(4)),

“(C) the date the United States Department of State issues to the individual a certificate of loss of nationality, or

“(D) the date a court of the United States cancels a naturalized citizen's certificate of naturalization.

Subparagraph (A) or (B) shall not apply to any individual unless the renunciation or voluntary relinquishment is subsequently approved by the issuance to the individual of a certificate of loss of nationality by the United States Department of State.

“(4) LONG-TERM RESIDENT.—The term ‘long-term resident’ has the meaning given to such term by section 877(e)(2).

“(f) SPECIAL RULES APPLICABLE TO BENEFICIARIES' INTERESTS IN TRUST.—

“(1) IN GENERAL.—Except as provided in paragraph (2), if an individual is determined under paragraph (3) to hold an interest in a trust on the day before the expatriation date—

“(A) the individual shall not be treated as having sold such interest,

“(B) such interest shall be treated as a separate share in the trust, and

“(C)(i) such separate share shall be treated as a separate trust consisting of the assets allocable to such share,

“(ii) the separate trust shall be treated as having sold its assets on the day before the expatriation date for their fair market value and as having distributed all of its assets to the individual as of such time, and

“(iii) the individual shall be treated as having recontributed the assets to the separate trust.

Subsection (a)(2) shall apply to any income, gain, or loss of the individual arising from a distribution described in subparagraph (C)(ii). In determining the amount of such distribution, proper adjustments shall be made for liabilities of the trust allocable to an individual's share in the trust.

“(2) SPECIAL RULES FOR INTERESTS IN QUALIFIED TRUSTS.—

“(A) IN GENERAL.—If the trust interest described in paragraph (1) is an interest in a qualified trust—

“(i) paragraph (1) and subsection (a) shall not apply, and

“(ii) in addition to any other tax imposed by this title, there is hereby imposed on each distribution with respect to such interest a tax in the amount determined under subparagraph (B).

“(B) AMOUNT OF TAX.—The amount of tax under subparagraph (A)(ii) shall be equal to the lesser of—

“(i) the highest rate of tax imposed by section 1(e) for the taxable year which includes the day before the expatriation date, multiplied by the amount of the distribution, or

“(ii) the balance in the deferred tax account immediately before the distribution determined without regard to any increases under subparagraph (C)(ii) after the 30th day preceding the distribution.

“(C) DEFERRED TAX ACCOUNT.—For purposes of subparagraph (B)(ii)—

“(i) OPENING BALANCE.—The opening balance in a deferred tax account with respect to any trust interest is an amount equal to the tax which would have been imposed on the allocable expatriation gain with respect to the trust interest if such gain had been included in gross income under subsection (a).

“(ii) INCREASE FOR INTEREST.—The balance in the deferred tax account shall be increased by the amount of interest determined (on the balance in the account at the time the interest accrues), for periods after the 90th day after the expatriation date, by using the rates and method applicable under section 6621 for underpayments of tax for such periods, except that section 6621(a)(2) shall be applied by substituting ‘5 percentage points’ for ‘3 percentage points’ in subparagraph (B) thereof.

“(iii) DECREASE FOR TAXES PREVIOUSLY PAID.—The balance in the tax deferred account shall be reduced—

“(I) by the amount of taxes imposed by subparagraph (A) on any distribution to the person holding the trust interest, and

“(II) in the case of a person holding a nonvested interest, to the extent provided in regula-

tions, by the amount of taxes imposed by subparagraph (A) on distributions from the trust with respect to nonvested interests not held by such person.

“(D) ALLOCABLE EXPATRIATION GAIN.—For purposes of this paragraph, the allocable expatriation gain with respect to any beneficiary's interest in a trust is the amount of gain which would be allocable to such beneficiary's vested and nonvested interests in the trust if the beneficiary held directly all assets allocable to such interests.

“(E) TAX DEDUCTED AND WITHHELD.—

“(i) IN GENERAL.—The tax imposed by subparagraph (A)(ii) shall be deducted and withheld by the trustees from the distribution to which it relates.

“(ii) EXCEPTION WHERE FAILURE TO WAIVE TREATY RIGHTS.—If an amount may not be deducted and withheld under clause (i) by reason of the distributee failing to waive any treaty right with respect to such distribution—

“(I) the tax imposed by subparagraph (A)(ii) shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax, and

“(II) any other beneficiary of the trust shall be entitled to recover from the distributee the amount of such tax imposed on the other beneficiary.

“(F) DISPOSITION.—If a trust ceases to be a qualified trust at any time, a covered expatriate disposes of an interest in a qualified trust, or a covered expatriate holding an interest in a qualified trust dies, then, in lieu of the tax imposed by subparagraph (A)(ii), there is hereby imposed a tax equal to the lesser of—

“(i) the tax determined under paragraph (1) as if the day before the expatriation date were the date of such cessation, disposition, or death, whichever is applicable, or

“(ii) the balance in the tax deferred account immediately before such date.

Such tax shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax and any other beneficiary of the trust shall be entitled to recover from the covered expatriate or the estate the amount of such tax imposed on the other beneficiary.

“(G) DEFINITIONS AND SPECIAL RULES.—For purposes of this paragraph—

“(i) QUALIFIED TRUST.—The term ‘qualified trust’ means a trust which is described in section 7701(a)(30)(E).

“(ii) VESTED INTEREST.—The term ‘vested interest’ means any interest which, as of the day before the expatriation date, is vested in the beneficiary.

“(iii) NONVESTED INTEREST.—The term ‘nonvested interest’ means, with respect to any beneficiary, any interest in a trust which is not a vested interest. Such interest shall be determined by assuming the maximum exercise of discretion in favor of the beneficiary and the occurrence of all contingencies in favor of the beneficiary.

“(iv) ADJUSTMENTS.—The Secretary may provide for such adjustments to the bases of assets in a trust or a deferred tax account, and the timing of such adjustments, in order to ensure that gain is taxed only once.

“(v) COORDINATION WITH RETIREMENT PLAN RULES.—This subsection shall not apply to an interest in a trust which is part of a retirement plan to which subsection (d)(2) applies.

“(3) DETERMINATION OF BENEFICIARIES' INTEREST IN TRUST.—

“(A) DETERMINATIONS UNDER PARAGRAPH (1).—For purposes of paragraph (1), a beneficiary's interest in a trust shall be based upon all relevant facts and circumstances, including the terms of the trust instrument and any letter of wishes or similar document, historical patterns of trust distributions, and the existence of and functions performed by a trust protector or any similar adviser.

“(B) OTHER DETERMINATIONS.—For purposes of this section—

“(i) **CONSTRUCTIVE OWNERSHIP.**—If a beneficiary of a trust is a corporation, partnership, trust, or estate, the shareholders, partners, or beneficiaries shall be deemed to be the trust beneficiaries for purposes of this section.

“(ii) **TAXPAYER RETURN POSITION.**—A taxpayer shall clearly indicate on its income tax return—

“(I) the methodology used to determine that taxpayer's trust interest under this section, and

“(II) if the taxpayer knows (or has reason to know) that any other beneficiary of such trust is using a different methodology to determine such beneficiary's trust interest under this section.

“(g) **TERMINATION OF DEFERRALS, ETC.**—In the case of any covered expatriate, notwithstanding any other provision of this title—

“(1) any period during which recognition of income or gain is deferred shall terminate on the day before the expatriation date, and

“(2) any extension of time for payment of tax shall cease to apply on the day before the expatriation date and the unpaid portion of such tax shall be due and payable at the time and in the manner prescribed by the Secretary.

“(h) **IMPOSITION OF TENTATIVE TAX.**—

“(1) **IN GENERAL.**—If an individual is required to include any amount in gross income under subsection (a) for any taxable year, there is hereby imposed, immediately before the expatriation date, a tax in an amount equal to the amount of tax which would be imposed if the taxable year were a short taxable year ending on the expatriation date.

“(2) **DUE DATE.**—The due date for any tax imposed by paragraph (1) shall be the 90th day after the expatriation date.

“(3) **TREATMENT OF TAX.**—Any tax paid under paragraph (1) shall be treated as a payment of the tax imposed by this chapter for the taxable year to which subsection (a) applies.

“(4) **DEFERRAL OF TAX.**—The provisions of subsection (b) shall apply to the tax imposed by this subsection to the extent attributable to gain includible in gross income by reason of this section.

“(i) **SPECIAL LIENS FOR DEFERRED TAX AMOUNTS.**—

“(1) **IMPOSITION OF LIEN.**—

“(A) **IN GENERAL.**—If a covered expatriate makes an election under subsection (a)(4) or (b) which results in the deferral of any tax imposed by reason of subsection (a), the deferred amount (including any interest, additional amount, addition to tax, assessable penalty, and costs attributable to the deferred amount) shall be a lien in favor of the United States on all property of the expatriate located in the United States (without regard to whether this section applies to the property).

“(B) **DEFERRED AMOUNT.**—For purposes of this subsection, the deferred amount is the amount of the increase in the covered expatriate's income tax which, but for the election under subsection (a)(4) or (b), would have occurred by reason of this section for the taxable year including the expatriation date.

“(2) **PERIOD OF LIEN.**—The lien imposed by this subsection shall arise on the expatriation date and continue until—

“(A) the liability for tax by reason of this section is satisfied or has become unenforceable by reason of lapse of time, or

“(B) it is established to the satisfaction of the Secretary that no further tax liability may arise by reason of this section.

“(3) **CERTAIN RULES APPLY.**—The rules set forth in paragraphs (1), (3), and (4) of section 6324A(d) shall apply with respect to the lien imposed by this subsection as if it were a lien imposed by section 6324A.

“(j) **REGULATIONS.**—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.”.

(b) **INCLUSION IN INCOME OF GIFTS AND BEQUESTS RECEIVED BY UNITED STATES CITIZENS**

AND RESIDENTS FROM EXPATRIATES.—Section 102 (relating to gifts, etc. not included in gross income) is amended by adding at the end the following new subsection:

“(d) **GIFTS AND INHERITANCES FROM COVERED EXPATRIATES.**—

“(1) **IN GENERAL.**—Subsection (a) shall not exclude from gross income the value of any property acquired by gift, bequest, devise, or inheritance from a covered expatriate after the expatriation date. For purposes of this subsection, any term used in this subsection which is also used in section 877A shall have the same meaning as when used in section 877A.

“(2) **EXCEPTIONS FOR TRANSFERS OTHERWISE SUBJECT TO ESTATE OR GIFT TAX.**—Paragraph (1) shall not apply to any property if either—

“(A) the gift, bequest, devise, or inheritance is—

“(i) shown on a timely filed return of tax imposed by chapter 12 as a taxable gift by the covered expatriate, or

“(ii) included in the gross estate of the covered expatriate for purposes of chapter 11 and shown on a timely filed return of tax imposed by chapter 11 of the estate of the covered expatriate, or

“(B) no such return was timely filed but no such return would have been required to be filed even if the covered expatriate were a citizen or long-term resident of the United States.”.

(c) **DEFINITION OF TERMINATION OF UNITED STATES CITIZENSHIP.**—Section 7701(a) is amended by adding at the end the following new paragraph:

“(48) **TERMINATION OF UNITED STATES CITIZENSHIP.**—

“(A) **IN GENERAL.**—An individual shall not cease to be treated as a United States citizen before the date on which the individual's citizenship is treated as relinquished under section 877A(e)(3).

“(B) **DUAL CITIZENS.**—Under regulations prescribed by the Secretary, subparagraph (A) shall not apply to an individual who became at birth a citizen of the United States and a citizen of another country.”.

(d) **INELIGIBILITY FOR VISA OR ADMISSION TO UNITED STATES.**—

(1) **IN GENERAL.**—Section 212(a)(10)(E) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(E)) is amended to read as follows:

“(E) **FORMER CITIZENS NOT IN COMPLIANCE WITH EXPATRIATION REVENUE PROVISIONS.**—Any alien who is a former citizen of the United States who relinquishes United States citizenship (within the meaning of section 877A(e)(3) of the Internal Revenue Code of 1986) and who is not in compliance with section 877A of such Code (relating to expatriation).”.

(2) **AVAILABILITY OF INFORMATION.**—

(A) **IN GENERAL.**—Section 6103(l) (relating to disclosure of returns and return information for purposes other than tax administration) is amended by adding at the end the following new paragraph:

“(18) **DISCLOSURE TO DENY VISA OR ADMISSION TO CERTAIN EXPATRIATES.**—Upon written request of the Attorney General or the Attorney General's delegate, the Secretary shall disclose whether an individual is in compliance with section 877A (and if not in compliance, any items of noncompliance) to officers and employees of the Federal agency responsible for administering section 212(a)(10)(E) of the Immigration and Nationality Act solely for the purpose of, and to the extent necessary in, administering such section 212(a)(10)(E).”.

(B) **SAFEGUARDS.**—Section 6103(p)(4) (relating to safeguards) is amended by striking “or (17)” each place it appears and inserting “(17), or (18)”.

(3) **EFFECTIVE DATE.**—The amendments made by this subsection shall apply to individuals who relinquish United States citizenship on or after the date of the enactment of this Act.

(e) **CONFORMING AMENDMENTS.**—

(1) Section 877 is amended by adding at the end the following new subsection:

“(g) **APPLICATION.**—This section shall not apply to an expatriate (as defined in section 877A(e)) whose expatriation date (as so defined) occurs on or after September 12, 2002.”.

(2) Section 2107 is amended by adding at the end the following new subsection:

“(f) **APPLICATION.**—This section shall not apply to any expatriate subject to section 877A.”.

(3) Section 2501(a)(3) is amended by adding at the end the following new subparagraph:

“(F) **APPLICATION.**—This paragraph shall not apply to any expatriate subject to section 877A.”.

(4)(A) Paragraph (1) of section 6039G(d) is amended by inserting “or 877A” after “section 877”.

(B) The second sentence of section 6039G(e) is amended by inserting “or who relinquishes United States citizenship (within the meaning of section 877A(e)(3))” after “877(a)”.

(C) Section 6039G(f) is amended by inserting “or 877A(e)(2)(B)” after “877(e)(1)”.

(f) **CLERICAL AMENDMENT.**—The table of sections for subpart A of part II of subchapter N of chapter 1 is amended by inserting after the item relating to section 877 the following new item:

“Sec. 877A. Tax responsibilities of expatriation.”.

(g) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—Except as provided in this subsection, the amendments made by this section shall apply to expatriates (within the meaning of section 877A(e) of the Internal Revenue Code of 1986, as added by this section) whose expatriation date (as so defined) occurs on or after September 12, 2002.

(2) **GIFTS AND BEQUESTS.**—Section 102(d) of the Internal Revenue Code of 1986 (as added by subsection (b)) shall apply to gifts and bequests received on or after September 12, 2002, from an individual or the estate of an individual whose expatriation date (as so defined) occurs after such date.

(3) **DUE DATE FOR TENTATIVE TAX.**—The due date under section 877A(h)(2) of the Internal Revenue Code of 1986, as added by this section, shall in no event occur before the 90th day after the date of the enactment of this Act.

SEC. 202. EXTENSION OF INTERNAL REVENUE SERVICE USER FEES.

(a) **IN GENERAL.**—Chapter 77 (relating to miscellaneous provisions) is amended by adding at the end the following new section:

“SEC. 7527. INTERNAL REVENUE SERVICE USER FEES.

“(a) **GENERAL RULE.**—The Secretary shall establish a program requiring the payment of user fees for—

“(1) requests to the Internal Revenue Service for ruling letters, opinion letters, and determination letters, and

“(2) other similar requests.

“(b) **PROGRAM CRITERIA.**—

“(1) **IN GENERAL.**—The fees charged under the program required by subsection (a)—

“(A) shall vary according to categories (or subcategories) established by the Secretary,

“(B) shall be determined after taking into account the average time for (and difficulty of) complying with requests in each category (and subcategory), and

“(C) shall be payable in advance.

“(2) **EXEMPTIONS, ETC.**—

“(A) **IN GENERAL.**—The Secretary shall provide for such exemptions (and reduced fees) under such program as the Secretary determines to be appropriate.

“(B) **EXEMPTION FOR CERTAIN REQUESTS REGARDING PENSION PLANS.**—The Secretary shall not require payment of user fees under such program for requests for determination letters with respect to the qualified status of a pension benefit plan maintained solely by 1 or more eligible employers or any trust which is part of the plan. The preceding sentence shall not apply to any request—

“(i) made after the later of—
“(I) the fifth plan year the pension benefit plan is in existence, or

“(II) the end of any remedial amendment period with respect to the plan beginning within the first 5 plan years, or

“(ii) made by the sponsor of any prototype or similar plan which the sponsor intends to market to participating employers.

“(C) DEFINITIONS AND SPECIAL RULES.—For purposes of subparagraph (B)—

“(i) PENSION BENEFIT PLAN.—The term ‘pension benefit plan’ means a pension, profit-sharing, stock bonus, annuity, or employee stock ownership plan.

“(ii) ELIGIBLE EMPLOYER.—The term ‘eligible employer’ means an eligible employer (as defined in section 408(p)(2)(C)(i)(I) which has at least 1 employee who is not a highly compensated employee (as defined in section 414(q)) and is participating in the plan. The determination of whether an employer is an eligible employer under subparagraph (B) shall be made as of the date of the request described in such subparagraph.

“(iii) DETERMINATION OF AVERAGE FEES CHARGED.—For purposes of any determination of average fees charged, any request to which subparagraph (B) applies shall not be taken into account.

“(3) AVERAGE FEE REQUIREMENT.—The average fee charged under the program required by subsection (a) shall not be less than the amount determined under the following table:

Category	Average Fee
Employee plan ruling and opinion	\$250
Exempt organization ruling	\$350
Employee plan determination	\$300
Exempt organization determination ...	\$275
Chief counsel ruling	\$200.

“(c) TERMINATION.—No fee shall be imposed under this section with respect to requests made after September 30, 2012.”.

(b) CONFORMING AMENDMENTS.—

(1) The table of sections for chapter 77 is amended by adding at the end the following new item:

“Sec. 7527. Internal Revenue Service user fees.”.

(2) Section 10511 of the Revenue Act of 1987 is repealed.

(3) Section 620 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is repealed.

(c) LIMITATIONS.—Notwithstanding any other provision of law, any fees collected pursuant to section 7527 of the Internal Revenue Code of 1986, as added by subsection (a), shall not be expended by the Internal Revenue Service unless provided by an appropriations Act.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to requests made after the date of the enactment of this Act.

Mr. BAUCUS. Mr. President, I rise today in support of the Armed Forces Tax Fairness Act of 2002. On September 12, 2002, the Finance Committee favorably reported the bill by unanimous voice vote.

This bill will not only correct inequities in the current tax code that our military men and women are subject to, but it will also provide incentives for our dedicated forces to continue their service to America.

On July 9, 2002, the House passed a bill, HR 5063, that provided limited relief to military personnel. The bill would provide a special rule for members of the armed forces in determining the exclusion of gain from the sale of a principal residence and would restore the tax-exempt status of death gratuity payments to members of the armed forces.

I support the efforts of the House, but I believe we should go farther.

These are the men and women that put their lives on the line for our freedom on a daily basis. We need to ensure that laws that we here in Congress pass do not negatively impact them.

We should also develop sound policy that serves as an incentive for our youth to follow in the steps of the men and women that went before them to defend our country.

It is with these principles in mind that I have moved forward with this military tax package and incorporate additional provisions already introduced by my colleagues.

I would now like to describe the provisions that we have chosen to include in this critical piece of legislation:

Death Gratuity Payments: On July 24, 2002, Senator CARNAHAN introduced S. 2783, which would restore the tax exempt status of all death gratuity payments. This proposal is similar to the provision included in house version of HR 5063.

Why is this provision so important? Under current law, death gratuity benefits are excludable from income only to the extent that they were as of September 9, 1986. In 1986, the death gratuity benefit was \$3,000.

In 1991, the benefit was increased to \$6,000, but the Tax Code was never adjusted to exclude the additional \$3,000 from income. Because of this oversight, the U.S. Government has been taxing families for the death of a family member who died in combat.

This is just wrong.

We support the provisions of the House version of H.R. 5063 and S. 2783, therefore we have included them in this piece of legislation.

Exclusion of Gain on The Sale of a Principal Residence: In 1997, Congress passed legislation revising the taxation of capital gains on the sale of a person's principal residence.

The new rule states that up to \$250,000, or \$500,000 per couple is excluded on that sale of a principal residence if the individual has lived in the house for at least two of the previous 5 years.

However, when enacted, Congress failed to provide a special rule for military and Foreign Service personnel who are required to move either within the U.S. or abroad. Senators MCCAIN and GRAHAM both have introduced legislation to address this oversight.

I agree that we should adjust the rule for our service men and women. We shouldn't penalize them for choosing to serve our country. Our proposal would permit service personnel and members of the Foreign Service to suspend the 5-year period while away on assignment, meaning those years would count toward neither the 2 years nor the 5 year periods.

This is also similar to provisions in the House-version of H.R. 5063.

Exclusion of Amounts Received Under Military Housing Assistance Program: The Department of Defense

provides payments to members of the Armed Services to offset diminution in housing values due to military base realignment or closure.

For example, if a house near a base was worth \$140,000 prior to the base closure and \$100,000 after the base closure, DOD may provide the owner with a payment to offset some, but not all, of the \$40,000 diminution in value. Under current law, those amounts are taxable as compensation.

There will be another round of base closures in the near future. That fate was decided in the fiscal year 2002 Defense Authorization bill.

We should ensure that those men and women losing value in their homes due to a Federal Government decision are not adversely affected financially.

The proposal would provide that payments for lost value are not includible into income.

Recently, Senator CLELAND introduced a package that included this provision. I thank him for his unending pursuit to provide military personnel with the best quality of life available. And I am happy we have included this provision in our legislation.

Expand Combat Zone Filing Rules To Include Contingency Operations: Under current law, military personnel in a combat zone are afforded an extended period for filing tax returns.

However, this does not apply to contingency operations. This proposal would extend the same benefits to military personnel assigned to contingency operations.

It can't be easy trying to figure out our complicated tax system while you are overseas and protecting our nation's freedom. Those men and women that have been sent to uphold freedom in other countries are confronted with similar circumstances, such as in Operation Just Cause in Panama, 1989, or in Operation Restore Hope in Somalia in 1992 and 1993, or in Operation Uphold Democracy in Haiti, 1994.

Contingency operations are just as demanding as combat zone deployment, although not always in the same manner. For example, in our current war on terrorism, this proposal would help members of our Special Forces in the Philippines supporting Operation Enduring Freedom who are just as focused on accomplishing their critical mission as our troops in the Afghanistan combat zone.

I would like to thank Senator JOHN-SON for introducing S. 2785. It is important that we support all our troops when they are deployed overseas.

Above-The Line-Deduction For Overnight Travel Expenses of National Guard and Reserve Members: Some reservists who travel one weekend per month and two weeks in the summer for reserve duty incur significant travel and lodging expenses.

For the most part, these expenses are not reimbursed. Under current law, these are deductible as itemized deductions but must exceed 2 percent of adjusted gross income.

For lower income reservists, this deduction does not provide a benefit, because they do not itemize. For higher income reservists, the 2 percent floor limits the amount of the benefit of the deductions.

In my home State of Montana, we have approximately 3500 reservists, 800 of which travel each month across the State for their training. These 800 reservists pay out of their own pocket the expense for travel and hotel rooms.

In Montana we rank 48th in the Nation for per capita personal income. I know it can't be easy for Montanans to incur approximately \$200 in expenses each and every month. Yet, they continue selflessly to provide their services to our country at their own expense. For those reservists that travel out of State for their training, this expense is higher on average.

This proposal would provide an above the line deduction for overnight travel costs and would be available for all reservists and members of the National Guard.

This issue is currently addressed in S. 540, which Senator DEWINE introduced back in March of 2001. I can't tell you just how many people have contacted our office in support of this bill. I support what this bill does and I am glad that we can include this provision in our military tax package.

Expansion of Membership For Veterans' Organizations: Recently, Senator HARKIN introduced S. 2789, which would expand the membership for Veteran's organizations. Currently, qualified veterans' organizations under section 501(c)(19) of the Tax Code are both tax-exempt and contributions to the organization are tax-deductible.

In order to qualify under 501(c)(19), the organization must meet several tests, including 75 percent of the members must be current or former military, and substantially all of the other members must be either spouses, widows, or widowers of current or former military.

The proposal would permit lineal descendants and ancestors to qualify for the "substantially all" test.

It is important that our veterans' organizations continue the good work that they do. But, as the organizations age, they are in danger of losing their tax-exempt status.

I support Senator HARKIN's bill, as does the American Legion. We have included it in our tax package.

Clarification of Treatment of Child Care Subsidies: Finally, I want to ensure that parents in the military can continue their dedicated service even once they have entered parenthood knowing that their children are being well taken care of.

The military provides extensive childcare benefits to its employees. DoD employees at DoD-owned facilities provide childcare services while other areas contract out their childcare.

When Congress passed the Tax Reform Act of 1986, we included a provision stating that qualified military

benefits are excluded from income. It is not absolutely clear whether child care provisions are covered under this provision.

The proposal would clarify that any childcare benefit provided to military personnel would be excludible from income. Senator LANDRIEU has introduced S.2807, a similar measure. I support this measure and am proud we have included it in this piece of legislation.

In addition, this bill includes three provisions that raise revenue, to offset the revenue loss. First, we improve the collection of unpaid taxes from people who have renounced their American citizenship in order to avoid U.S. taxes.

Second, we extend certain IRS user fees.

Third, we restore the ability of IRS to permit partial-pay installment agreements with taxpayers. These are modest, sensible changes. In fact, in the case of expatriates, the offset seems especially fitting.

All told, this bill does a small part to improve our Tax Code and, more importantly, pay respect to the men and women who are making sacrifices and risking their lives to defend us all.

I thank all of the Members who have contributed to the development of the bill, including the support by Senators LEVIN, WARNER and CLELAND of the Armed Services Committee. I especially thank the ranking member of the Finance Committee, Senator GRASSLEY, who has once again been a partner in the development of important bipartisan tax legislation.

Mr. President, it is important that we continue to show members of the armed forces our support and solidarity during this time of conflict. The War on Terrorism has brought to light the essential role the armed services play in upholding freedom throughout the world.

I am happy to see this military tax equity bill passed by the Senate today, and signed into law by the President before Congress adjourns.

Mr. GRASSLEY. Mr. President, we are here today to consider the Armed Forces Tax Fairness Act which was voted out of the Finance Committee on September 12. A similar tax relief package was passed unanimously by the House in July. No one would dispute that many national defense challenges lie ahead for our country. We have spent and will continue to spend a good deal of time discussing homeland security and the war on terrorism as we continue our efforts to secure our borders. Now, we must consider seriously the possibility of military operations in Iraq.

For those reasons, it is a particularly appropriate time to focus our attention on the important contributions of the men and women of our Armed Forces and national guard. These folks are the lifeblood of any initiative against terrorism or movement in Iraq and the first lien of defense in homeland security efforts. We need to make sure that

these men and women are treated fairly in all respects and that the Tax Code does not provide any disincentives to continued service.

Our military tax bill would remedy several tax problems and inequities faced by members of our uniformed services, National Guard, and foreign service. As a starting point, the legislation would make sure that military personnel subject to relocation are not disadvantaged in the Tax Code on the sales of their homes. In 1997, we enacted a capital gains tax exclusion on the sale of personal residences for individuals who live in the home for at least 2 of the 5 years before the sale. This works well for most people, but the provision offers little help for military personnel who are frequently transferred. We should not punish members of our Armed Forces and foreign service who are asked to relocate in the name of service to their country. Like many of the provisions in this bill, the issue is one of fairness, and we should provide our military with home ownership tax incentives at least as favorable as those available to most Americans.

Our military tax relief package also makes some important additions to the military tax package sent over by the House. One of those, Senator DEWINE's proposal for the benefit of Reservists and National Guard, is both timely and important. Timely because Reservists continue to play an increasingly prominent role in our country's military operations. Historically, Reservists were used as manpower replacements only in national emergencies and wars. In fact, between 1945 and 1990, 85 percent of involuntarily activated Reservists assisted in the Korean war. In the last decade, however, we have involuntarily activated Reservists six times for a broad array of operations, including (i) nation-building operations in Haiti, Bosnia, and Kosovo, (ii) armed conflicts such as those in Iraq, and (iii) current military operations fighting terrorism. Iowa alone currently has about 800 Guard and Reservists on active duty.

Important because many Guard and Reservists who travel for weekend drills are required to spend their own money for travel expenses. If our military is unable to reimburse these folks for travel expenses related to training assignments, we should at a minimum allow these men and women to fully deduct those expenses on their Federal tax returns. Although we currently allow miscellaneous itemized deductions for such expenses, a limited number of Reservists itemize on their tax returns. Our bill includes a provision offered by Senator DEWINE that such expenses be deductible by all reservists in above-the-line form. This would ensure (i) that Reservists are at least partly compensated for training-related travel expenses paid out of their own pockets, (ii) that all Reservists are treated equally, and (iii) would eliminate a potential disincentive to service. Many Iowans have contacted me

with respect to this issue, and I ask unanimous consent to print their comments in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SNAPSHOT REPORT: INCOMING CONSTITUENT MESSAGES

Senator Grassley: Senator Max Baucus (D-MT), Chairman of the Senate Finance Committee, has introduced the "The Foreign and Armed Services Tax Fairness Act of 2002" (S 2616). The bill is intended to remedy a number of tax inequities that have long plagued military service members. Among the several provisions of the bill is one that is close to the hearts of members of the Guard and Reserve—restoration of the tax deductibility of Reserve component members' non-reimbursable training expenses. The deductibility issue stems from a change to the Internal Revenue Code made in 1986 that required that such unreimbursed business expenses must be treated as itemized deductions and must exceed two percent of adjusted gross income. Since only about 25 percent of all taxpayers itemize their deductions, this change has been the bane of many citizens' existence. This includes citizen-soldiers, sailors, airmen, and Marines who must now, in effect, subsidize their own military training. If S 2616 becomes law, it's bill would provide an above-the-line deduction for overnight travel costs for Guardsmen and Reservists. Please sign on as a cosponsor for "The Foreign and Armed Services Tax Fairness Act of 2002" (S 2616). Sincerely, Thomas J. Hicks.

Senator Grassley: Senator Max Baucus (D-MT), Chairman of the Senate Finance Committee, has introduced the "The Foreign Armed Service Tax Fairness Act of 2002" (S 2616). The bill is intended to remedy a number of tax inequities that have long plagued military service members. Among the several provisions of the bill is one that is close to the hearts of members of the Guard and Reserve—restoration of the tax deductibility of Reserve component members' non-reimbursable training expenses. The deductibility issue stems from a change to the Internal Revenue Code made in 1986 that required that such unreimbursed business expenses must be treated as itemized deductions and must exceed two percent of adjusted gross income. Since only about 25 percent of all taxpayers itemize their deductions, this change has been the bane of many citizens' existence. This includes citizen-soldiers, sailors, airmen, and Marines who must now, in effect, subsidize their own military training. If S 2616 becomes law, its bill would provide an above-the-line deduction for overnight travel costs for Guardsmen and Reservists. Please sign on as a cosponsor for "The Foreign and Armed Services Tax Fairness Act of 2002" (S 2616). Sincerely, J.D. Griffith, Burlington.

Senator Grassley: SUPPORT HEARINGS ON CHANGE IN RC RETIREMENT AGE Congressman Jim Saxton (R-NJ) recently introduced a bill (HR 3831) that would reduce the age at which Reservists could begin drawing their military retirement from 60 to 55. I regard the bill as a significant first step in the process of redefining the government's long-standing contract with its Reserve forces. The world and Reservists' terms of service have changed markedly in the half-century since Reserve retirement was passed into law. I believe that it is indeed time to re-evaluate the whole question of Reserve compensation. Please contact the chairmen of the House and Senate military personnel subcommittees. Urge them to hold hearings

on lowering the Reserve retirement eligibility age. This is a pivotal issue, one that has the potential to change the shape of both the Reserve and the Total Force. It is critical that the issue receive the full consideration that it merits. Sincerely, James A. Brooks.

Senatpr Grassley: The House recently unanimously passed the Armed Services Tax Fairness Act of 2002 (HR 5063). This bill eliminates two inequities in the tax code for active-duty members of the Armed Services. The bill will now be sent to the Senate and referred to the Senate Finance Committee for consideration. Although it does not directly benefit most Reserve component members, because it is almost certain to win Senate approval, HR 5063 can serve as an ideal vehicle to carry S 540, a bill we've been working on for some time now, into law. (S 540, which currently has 62 cosponsors, would provide tax credits for employers of mobilized Reservists and restore the tax deductibility of Reservists' unreimbursed training expenses.) To achieve this end, the Senate Finance Committee will have to amend HR 5063 to add the provisions of S 540 to the House bill. We need the strong support of Senator Max Baucus, the chairman of the Senate Finance Committee to make this happen. Please call Senator Baucus and ask him to add the provisions of S 540 to HR 5063. It's the right thing to do, and it will be deeply appreciated by the men and women of our Reserve forces and their employers. Sincerely, Jay R. Hildebrand.

Senator Grassley: The House recently unanimously passed the Armed Services Tax Fairness Act of 2002 (H.R. 5063). This bill eliminates two inequities in the tax code for active-duty members of the Armed Services. The bill will now be sent to the Senate and referred to the Senate Finance Committee for consideration. Although it does not directly benefit most Reserve component members, because it is almost certain to win Senate approval, H.R. 5063 can serve as an ideal vehicle to carry S. 540, a bill we've been working on for some time now, into law. (S. 540, which currently has 62 cosponsors, would provide tax credits for employers of mobilized Reservists and restore the tax deductibility of Reservists' unreimbursed training expenses.) To achieve this end, the Senate Finance Committee will have to amend H.R. 5063 to add the provisions of S. 540 to the House bill. We need the strong support of Senator Max Baucus, the chairman of the Senate Finance Committee to make this happen. Please call Senator Baucus and ask him to add the provisions of S. 540 to H.R. 5063. It's the right thing to do, and it will be deeply appreciated by the men and women of our Reserve forces and their employers. Sincerely, James A. Brooks.

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House bill. We need the strong support of Senator Max Baucus, the chairman of the Senate Finance Committee to make this happen. Please call Senator Baucus and ask him to add the provisions of S. 540 to H.R. 5063. It's the right thing to do, and it will be deeply appreciated by the men and women of our Reserve forces and their employers. Sincerely, Thomas D. Heinold.

Senator Grassley: Senator Max Baucus (D-MT), Chairman of the Senate Finance Committee, has introduced the "The Foreign and Armed Services Tax Fairness Act of 2002" (S. 2616). The bill is intended to remedy a number of tax inequities that have long plagued military service members. Among the several provisions of the bill is one that is close to the hearts of members of the Guard and Reserve—restoration of the tax deductibility of Reserve component members' non-reimbursable training expenses. The deductibility issue stems from a change to the Internal Revenue Code made in 1986 that required that such unreimbursed business expenses must be treated as itemized deductions and must exceed two percent of adjusted gross income. Since only about 25 percent of all taxpayers itemize their deductions, this change has been the bane of many citizens' existence. This includes citizen-soldiers, sailors, airmen, and Marines who must now, in effect, subsidize their own military training. If S. 2616 becomes law, the bill would provide an above-the-line deduction for overnight travel costs for Guardsmen and Reservists. Please sign on as a cosponsor for "The Foreign and Armed Services Tax Fairness Act of 2002" (S. 2616). Sincerely, J. Neil McFarland.

Mr. GRASSLEY. Mr. President, finally, our tax fairness bill ensures that military families receive comparable tax treatment for child care expenses. Most American workers are permitted to exclude from income \$5,000 of employer-provided child care expenses. A separate blanket exclusion is provided to the military for all benefits. The provision, however, does not specify the treatment of military-provided child care expenses and some confusion has resulted. Our bill confirms this exclusion from military personnel. This ensures that military-provided child care is not treated less favorably than employer-provided child care or other military-provided benefits.

Increased focus on national defense no doubt renews our deep appreciation for the members of our military. These men and women make tremendous sacrifices, and in some cases, risk their lives to protect and defend our freedom. It is a perfect time to ensure that men and women in service are treated fairly under our country's tax laws. In closing, I would like to thank those who continue to serve in the United States military and protect the freedoms that we so frequently take for granted. I thank my colleagues and urge them to vote for this important tax fairness measure.

Mr. HUTCHINSON. Mr. President, I rise in strong support of H.R. 5063, the Armed Forces Tax Fairness Act. As a cosponsor of the Senate companion, S. 2616, I believe that this legislation will provide well-deserved tax benefits for those in service to our nation. With the ongoing war on terrorism, it is critical

that we do everything in our power to support members of our military, and their families.

This legislation ensures that the entire benefit of \$6,000 paid to the family of those individuals killed on active duty is made tax-free. Previously, only half of this benefit was exempt from taxes. H.R. 5063 also ensures that members of our military can receive the tax treatment they deserve from the sale of their home. Because those in our armed forces are required to move frequently, many are unable to take advantage of the aspect of the tax code that allows the exclusion of gains from the sale of a person's home from the capital gains tax. This legislation ensures that they will qualify for this benefit.

As the Ranking Member of the Personnel Subcommittee on the Senate Armed Services Committee, my top priority has been to improve the quality of life for members of our military and their families. H.R. 5063 is an important step toward that effort.

Mr. REID. I ask unanimous consent that the McCain-Baucus amendment at the desk be agreed to, the committee substitute amendment be agreed to, as amended, the bill as amended, be read the third time and passed, the amendment to the title be agreed to, the motion to reconsider be laid upon the table with no intervening action or debate, and that any statements related to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4855) was agreed to, as follows:

(Purpose: To apply the special rule for members of the uniformed services and Foreign Service to sales or exchanges after May 6, 1997, and for other purposes)

On page 9, strike lines 9 through 12, and insert the following:

(b) EFFECTIVE DATE; SPECIAL RULE.—

(1) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the amendments made by section 312 of the Taxpayer Relief Act of 1997.

(2) WAIVER OF LIMITATIONS.—If refund or credit of any overpayment of tax resulting from the amendment made by this section is prevented at any time before the close of the 1-year period beginning on the date of the enactment of this Act by the operation of any law or rule of law (including res judicata), such refund or credit may nevertheless be made or allowed if claim therefor is filed before the close of such period.

On page 46, after line 14, add the following:
SEC. 203. PARTIAL PAYMENT OF TAX LIABILITY IN INSTALLMENT AGREEMENTS.

(a) IN GENERAL.—

(1) Section 6159(a) (relating to authorization of agreements) is amended—

(A) by striking “satisfy liability for payment of” and inserting “make payment on”, and

(B) by inserting “full or partial” after “facilitate”.

(2) Section 6159(c) (relating to Secretary required to enter into installment agreements in certain cases) is amended in the matter preceding paragraph (1) by inserting “full” before “payment”.

(b) REQUIREMENT TO REVIEW PARTIAL PAYMENT AGREEMENTS EVERY TWO YEARS.—Sec-

tion 6159 is amended by redesignating subsections (d) and (e) as subsections (e) and (f), respectively, and inserting after subsection (c) the following new subsection:

“(d) SECRETARY REQUIRED TO REVIEW INSTALLMENT AGREEMENTS FOR PARTIAL COLLECTION EVERY TWO YEARS.—In the case of an agreement entered into by the Secretary under subsection (a) for partial collection of a tax liability, the Secretary shall review the agreement at least once every 2 years.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to agreements entered into on or after the date of the enactment of this Act.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The amendment to the title was agreed to.

The bill (H.R. 5063), as amended, was read the third time and passed as follows:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the “Armed Forces Tax Fairness Act of 2002”.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; etc.

TITLE I—IMPROVING TAX EQUITY FOR MILITARY PERSONNEL

Sec. 101. Exclusion from gross income of certain death gratuity payments.

Sec. 102. Exclusion of gain from sale of a principal residence by a member of the uniformed services or the Foreign Service.

Sec. 103. Exclusion for amounts received under Department of Defense Homeowners Assistance Program.

Sec. 104. Expansion of combat zone filing rules to contingency operations.

Sec. 105. Above-the-line deduction for overnight travel expenses of National Guard and Reserve members.

Sec. 106. Modification of membership requirement for exemption from tax for certain veterans' organizations.

Sec. 107. Clarification of treatment of certain dependent care assistance programs.

TITLE II—OTHER PROVISIONS

Sec. 201. Revision of tax rules on expatriation.

Sec. 202. Extension of IRS user fees.

Sec. 203. Partial payment of tax liability in installment agreements.

TITLE I—IMPROVING TAX EQUITY FOR MILITARY PERSONNEL

SEC. 101. EXCLUSION FROM GROSS INCOME OF CERTAIN DEATH GRATUITY PAYMENTS.

(a) IN GENERAL.—Subsection (b)(3) of section 134 (relating to certain military benefits) is amended by adding at the end the following new subparagraph:

“(C) EXCEPTION FOR DEATH GRATUITY ADJUSTMENTS MADE BY LAW.—Subparagraph (A) shall not apply to any adjustment to the amount of death gratuity payable under chapter 75 of title 10, United States Code, which is pursuant to a provision of law enacted after September 9, 1986.”.

(b) CONFORMING AMENDMENT.—Subparagraph (A) of section 134(b)(3) is amended by striking “subparagraph (B)” and inserting “subparagraphs (B) and (C)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to deaths occurring after September 10, 2001.

SEC. 102. EXCLUSION OF GAIN FROM SALE OF A PRINCIPAL RESIDENCE BY A MEMBER OF THE UNIFORMED SERVICES OR THE FOREIGN SERVICE.

(a) IN GENERAL.—Subsection (d) of section 121 (relating to exclusion of gain from sale of principal residence) is amended by adding at the end the following new paragraph:

“(9) MEMBERS OF UNIFORMED SERVICES AND FOREIGN SERVICE.—

“(A) IN GENERAL.—At the election of an individual with respect to a property, the running of the 5-year period described in subsection (a) with respect to such property shall be suspended during any period that such individual or such individual's spouse is serving on qualified official extended duty as a member of the uniformed services or of the Foreign Service of the United States.

“(B) MAXIMUM PERIOD OF SUSPENSION.—The 5-year period described in subsection (a) shall not be extended more than 10 years by reason of subparagraph (A).

“(C) QUALIFIED OFFICIAL EXTENDED DUTY.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘qualified official extended duty’ means any extended duty while serving at a duty station which is at least 50 miles from such property or while residing under Government orders in Government quarters.

“(ii) UNIFORMED SERVICES.—The term ‘uniformed services’ has the meaning given such term by section 101(a)(5) of title 10, United States Code, as in effect on the date of the enactment of this paragraph.

“(iii) FOREIGN SERVICE OF THE UNITED STATES.—The term ‘member of the Foreign Service of the United States’ has the meaning given the term ‘member of the Service’ by paragraph (1), (2), (3), (4), or (5) of section 103 of the Foreign Service Act of 1980.

“(iv) EXTENDED DUTY.—The term ‘extended duty’ means any period of duty pursuant to a call or order to such duty for a period in excess of 90 days or for an indefinite period.

“(D) SPECIAL RULES RELATING TO ELECTION.—

“(i) ELECTION LIMITED TO 1 PROPERTY AT A TIME.—An election under subparagraph (A) with respect to any property may not be made if such an election is in effect with respect to any other property.

“(ii) REVOCATION OF ELECTION.—An election under subparagraph (A) may be revoked at any time.”.

(b) EFFECTIVE DATE; SPECIAL RULE.—

(1) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the amendments made by section 312 of the Taxpayer Relief Act of 1997.

(2) WAIVER OF LIMITATIONS.—If refund or credit of any overpayment of tax resulting from the amendment made by this section is prevented at any time before the close of the 1-year period beginning on the date of the enactment of this Act by the operation of any law or rule of law (including res judicata), such refund or credit may nevertheless be made or allowed if claim therefor is filed before the close of such period.

SEC. 103. EXCLUSION FOR AMOUNTS RECEIVED UNDER DEPARTMENT OF DEFENSE HOMEOWNERS ASSISTANCE PROGRAM.

(a) IN GENERAL.—Section 132(a) (relating to the exclusion from gross income of certain fringe benefits) is amended by striking “or” at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting “, or” and by adding at the end the following new paragraph:

“(8) qualified military base realignment and closure fringe.”.

(b) QUALIFIED MILITARY BASE REALIGNMENT AND CLOSURE FRINGE.—Section 132 is amended by redesignating subsection (n) as subsection (o)

and by inserting after subsection (m) the following new subsection:

“(n) **QUALIFIED MILITARY BASE REALIGNMENT AND CLOSURE FRINGE.**—For purposes of this section, the term ‘qualified military base realignment and closure fringe’ means 1 or more payments under the authority of section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to offset the adverse effects on housing values as a result of a military base realignment or closure.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to payments made after the date of the enactment of this Act.

SEC. 104. EXPANSION OF COMBAT ZONE FILING RULES TO CONTINGENCY OPERATIONS.

(a) **IN GENERAL.**—Section 7508(a) (relating to time for performing certain acts postponed by reason of service in combat zone) is amended—

(1) by inserting “or when deployed outside the United States away from the individual’s permanent duty station while participating in an operation designated by the Secretary of Defense as a contingency operation (as defined in section 101(a)(13) of title 10, United States Code) or which became such a contingency operation by operation of law” after “section 12”;

(2) by inserting in the first sentence “or at any time during the period of such contingency operation” after “for purposes of such section”;

(3) by inserting “or operation” after “such an area”;

(4) by inserting “or operation” after “such area”.

(b) **CONFORMING AMENDMENTS.**—

(1) Section 7508(d) is amended by inserting “or contingency operation” after “area”.

(2) The heading for section 7508 is amended by inserting “**OR CONTINGENCY OPERATION**” after “**COMBAT ZONE**”.

(3) The item relating to section 7508 in the table of sections for chapter 77 is amended by inserting “or contingency operation” after “combat zone”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to any period for performing an act which has not expired before the date of the enactment of this Act.

SEC. 105. ABOVE-THE-LINE DEDUCTION FOR OVERNIGHT TRAVEL EXPENSES OF NATIONAL GUARD AND RESERVE MEMBERS.

(a) **DEDUCTION ALLOWED.**—Section 162 (relating to certain trade or business expenses) is amended by redesignating subsection (p) as subsection (q) and inserting after subsection (o) the following new subsection:

“(p) **TREATMENT OF EXPENSES OF MEMBERS OF RESERVE COMPONENT OF ARMED FORCES OF THE UNITED STATES.**—For purposes of subsection (a)(2), in the case of an individual who performs services as a member of a reserve component of the Armed Forces of the United States at any time during the taxable year, such individual shall be deemed to be away from home in the pursuit of a trade or business for any period during which such individual is away from home in connection with such service.”.

(b) **DEDUCTION ALLOWED WHETHER OR NOT TAXPAYER ELECTS TO ITEMIZE.**—Section 62(a)(2) (relating to certain trade and business deductions of employees) is amended by adding at the end the following new subparagraph:

“(E) **CERTAIN EXPENSES OF MEMBERS OF RESERVE COMPONENTS OF THE ARMED FORCES OF THE UNITED STATES.**—The deductions allowed by section 162 which consist of expenses, in amounts not in excess of the rates for travel expenses (including per diem in lieu of subsistence) authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, paid or incurred by the taxpayer in connection with the performance of services by such taxpayer as a member of a reserve component of the Armed Forces of the United States.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to amounts paid or

incurred in taxable years beginning after December 31, 2001.

SEC. 106. MODIFICATION OF MEMBERSHIP REQUIREMENT FOR EXEMPTION FROM TAX FOR CERTAIN VETERANS' ORGANIZATIONS.

(a) **IN GENERAL.**—Subparagraph (B) of section 501(c)(19) (relating to list of exempt organizations) is amended by striking “or widowers” and inserting “, widowers, or ancestors or lineal descendants”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 107. CLARIFICATION OF THE TREATMENT OF CERTAIN DEPENDENT CARE ASSISTANCE PROGRAMS.

(a) **IN GENERAL.**—Section 134(b) (defining qualified military benefit) is amended by adding at the end the following new paragraph:

“(4) **CLARIFICATION OF CERTAIN BENEFITS.**—For purposes of paragraph (1), such term includes any dependent care assistance program for any individual described in paragraph (1)(A).”.

(b) **CONFORMING AMENDMENTS.**—

(1) Section 134(b)(3)(A) is amended by inserting “and paragraph (4)” after “subparagraph (B)”.

(2) Section 3121(a)(18) is amended by striking “or 129” and inserting “, 129, or 134(b)(4)”.

(3) Section 3306(b)(13) is amended by striking “or 129” and inserting “, 129, or 134(b)(4)”.

(4) Section 3401(a)(18) is amended by striking “or 129” and inserting “, 129, or 134(b)(4)”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

(d) **NO INFERENCE.**—No inference may be drawn from the amendments made by this section with respect to the tax treatment of any amounts under the program described in section 134(b)(4) of the Internal Revenue Code of 1986 (as added by this section) for any taxable year beginning before January 1, 2002.

TITLE II—OTHER PROVISIONS

SEC. 201. REVISION OF TAX RULES ON EXPATRIATION.

(a) **IN GENERAL.**—Subpart A of part II of subchapter N of chapter 1 is amended by inserting after section 877 the following new section:

“SEC. 877A. TAX RESPONSIBILITIES OF EXPATRIATION.

“(a) **GENERAL RULES.**—For purposes of this subtitle—

“(1) **MARK TO MARKET.**—Except as provided in subsections (d) and (f), all property of a covered expatriate to whom this section applies shall be treated as sold on the day before the expatriation date for its fair market value.

“(2) **RECOGNITION OF GAIN OR LOSS.**—In the case of any sale under paragraph (1)—

“(A) notwithstanding any other provision of this title, any gain arising from such sale shall be taken into account for the taxable year of the sale, and

“(B) any loss arising from such sale shall be taken into account for the taxable year of the sale to the extent otherwise provided by this title, except that section 1091 shall not apply to any such loss.

Proper adjustment shall be made in the amount of any gain or loss subsequently realized for gain or loss taken into account under the preceding sentence.

“(3) **EXCLUSION FOR CERTAIN GAIN.**—

“(A) **IN GENERAL.**—The amount which, but for this paragraph, would be includible in the gross income of any individual by reason of this section shall be reduced (but not below zero) by \$600,000. For purposes of this paragraph, allocable expatriation gain taken into account under subsection (f)(2) shall be treated in the same manner as an amount required to be includible in gross income.

“(B) **COST-OF-LIVING ADJUSTMENT.**—

“(i) **IN GENERAL.**—In the case of an expatriation date occurring in any calendar year after 2002, the \$600,000 amount under subparagraph (A) shall be increased by an amount equal to—

“(I) such dollar amount, multiplied by

“(II) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting ‘calendar year 2001’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(ii) **ROUNDING RULES.**—If any amount after adjustment under clause (i) is not a multiple of \$1,000, such amount shall be rounded to the next lower multiple of \$1,000.

“(4) **ELECTION TO CONTINUE TO BE TAXED AS UNITED STATES CITIZEN.**—

“(A) **IN GENERAL.**—If a covered expatriate elects the application of this paragraph—

“(i) this section (other than this paragraph and subsection (i)) shall not apply to the expatriate, but

“(ii) in the case of property to which this section would apply but for such election, the expatriate shall be subject to tax under this title in the same manner as if the individual were a United States citizen.

“(B) **REQUIREMENTS.**—Subparagraph (A) shall not apply to an individual unless the individual—

“(i) provides security for payment of tax in such form and manner, and in such amount, as the Secretary may require,

“(ii) consents to the waiver of any right of the individual under any treaty of the United States which would preclude assessment or collection of any tax which may be imposed by reason of this paragraph, and

“(iii) complies with such other requirements as the Secretary may prescribe.

“(C) **ELECTION.**—An election under subparagraph (A) shall apply to all property to which this section would apply but for the election and, once made, shall be irrevocable. Such election shall also apply to property the basis of which is determined in whole or in part by reference to the property with respect to which the election was made.

“(b) **ELECTION TO DEFER TAX.**—

“(1) **IN GENERAL.**—If the taxpayer elects the application of this subsection with respect to any property treated as sold by reason of subsection (a), the payment of the additional tax attributable to such property shall be postponed until the due date of the return for the taxable year in which such property is disposed of (or, in the case of property disposed of in a transaction in which gain is not recognized in whole or in part, until such other date as the Secretary may prescribe).

“(2) **DETERMINATION OF TAX WITH RESPECT TO PROPERTY.**—For purposes of paragraph (1), the additional tax attributable to any property is an amount which bears the same ratio to the additional tax imposed by this chapter for the taxable year solely by reason of subsection (a) as the gain taken into account under subsection (a) with respect to such property bears to the total gain taken into account under subsection (a) with respect to all property to which subsection (a) applies.

“(3) **TERMINATION OF POSTPONEMENT.**—No tax may be postponed under this subsection later than the due date for the return of tax imposed by this chapter for the taxable year which includes the date of death of the expatriate (or, if earlier, the time that the security provided with respect to the property fails to meet the requirements of paragraph (4), unless the taxpayer corrects such failure within the time specified by the Secretary).

“(4) **SECURITY.**—

“(A) **IN GENERAL.**—No election may be made under paragraph (1) with respect to any property unless adequate security is provided to the Secretary with respect to such property.

“(B) **ADEQUATE SECURITY.**—For purposes of subparagraph (A), security with respect to any property shall be treated as adequate security if—

“(i) it is a bond in an amount equal to the deferred tax amount under paragraph (2) for the property, or

“(ii) the taxpayer otherwise establishes to the satisfaction of the Secretary that the security is adequate.

“(5) **WAIVER OF CERTAIN RIGHTS.**—No election may be made under paragraph (1) unless the taxpayer consents to the waiver of any right under any treaty of the United States which would preclude assessment or collection of any tax imposed by reason of this section.

“(6) **ELECTIONS.**—An election under paragraph (1) shall only apply to property described in the election and, once made, is irrevocable. An election may be made under paragraph (1) with respect to an interest in a trust with respect to which gain is required to be recognized under subsection (f)(1).

“(7) **INTEREST.**—For purposes of section 6601—
“(A) the last date for the payment of tax shall be determined without regard to the election under this subsection, and

“(B) section 6621(a)(2) shall be applied by substituting ‘5 percentage points’ for ‘3 percentage points’ in subparagraph (B) thereof.

“(c) **COVERED EXPATRIATE.**—For purposes of this section—

“(1) **IN GENERAL.**—Except as provided in paragraph (2), the term ‘covered expatriate’ means an expatriate.

“(2) **EXCEPTIONS.**—An individual shall not be treated as a covered expatriate if—

“(A) the individual—

“(i) became at birth a citizen of the United States and a citizen of another country and, as of the expatriation date, continues to be a citizen of, and is taxed as a resident of, such other country, and

“(ii) has not been a resident of the United States (as defined in section 7701(b)(1)(A)(ii)) during the 5 taxable years ending with the taxable year during which the expatriation date occurs, or

“(B)(i) the individual’s relinquishment of United States citizenship occurs before such individual attains age 18½, and

“(ii) the individual has been a resident of the United States (as so defined) for not more than 5 taxable years before the date of relinquishment.

“(d) **EXEMPT PROPERTY; SPECIAL RULES FOR PENSION PLANS.**—

“(1) **EXEMPT PROPERTY.**—This section shall not apply to the following:

“(A) **UNITED STATES REAL PROPERTY INTERESTS.**—Any United States real property interest (as defined in section 897(c)(1)), other than stock of a United States real property holding corporation which does not, on the day before the expatriation date, meet the requirements of section 897(c)(2).

“(B) **SPECIFIED PROPERTY.**—Any property or interest in property not described in subparagraph (A) which the Secretary specifies in regulations.

“(2) **SPECIAL RULES FOR CERTAIN RETIREMENT PLANS.**—

“(A) **IN GENERAL.**—If a covered expatriate holds on the day before the expatriation date any interest in a retirement plan to which this paragraph applies—

“(i) such interest shall not be treated as sold for purposes of subsection (a)(1), but

“(ii) an amount equal to the present value of the expatriate’s nonforfeitable accrued benefit shall be treated as having been received by such individual on such date as a distribution under the plan.

“(B) **TREATMENT OF SUBSEQUENT DISTRIBUTIONS.**—In the case of any distribution on or after the expatriation date to or on behalf of the covered expatriate from a plan from which the expatriate was treated as receiving a distribution under subparagraph (A), the amount otherwise includible in gross income by reason of the subsequent distribution shall be reduced by the excess of the amount includible in gross income

under subparagraph (A) over any portion of such amount to which this subparagraph previously applied.

“(C) **TREATMENT OF SUBSEQUENT DISTRIBUTIONS BY PLAN.**—For purposes of this title, a retirement plan to which this paragraph applies, and any person acting on the plan’s behalf, shall treat any subsequent distribution described in subparagraph (B) in the same manner as such distribution would be treated without regard to this paragraph.

“(D) **APPLICABLE PLANS.**—This paragraph shall apply to—

“(i) any qualified retirement plan (as defined in section 4974(c)),

“(ii) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A), and

“(iii) to the extent provided in regulations, any foreign pension plan or similar retirement arrangements or programs.

“(e) **DEFINITIONS.**—For purposes of this section—

“(1) **EXPATRIATE.**—The term ‘expatriate’ means—

“(A) any United States citizen who relinquishes citizenship, and

“(B) any long-term resident of the United States who—

“(i) ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)), or

“(ii) commences to be treated as a resident of a foreign country under the provisions of a tax treaty between the United States and the foreign country and who does not waive the benefits of such treaty applicable to residents of the foreign country.

“(2) **EXPATRIATION DATE.**—The term ‘expatriation date’ means—

“(A) the date an individual relinquishes United States citizenship, or

“(B) in the case of a long-term resident of the United States, the date of the event described in clause (i) or (ii) of paragraph (1)(B).

“(3) **RELINQUISHMENT OF CITIZENSHIP.**—A citizen shall be treated as relinquishing United States citizenship on the earliest of—

“(A) the date the individual renounces such individual’s United States nationality before a diplomatic or consular officer of the United States pursuant to paragraph (5) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(5)),

“(B) the date the individual furnishes to the United States Department of State a signed statement of voluntary relinquishment of United States nationality confirming the performance of an act of expatriation specified in paragraph (1), (2), (3), or (4) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(1)–(4)),

“(C) the date the United States Department of State issues to the individual a certificate of loss of nationality, or

“(D) the date a court of the United States cancels a naturalized citizen’s certificate of naturalization.

Subparagraph (A) or (B) shall not apply to any individual unless the renunciation or voluntary relinquishment is subsequently approved by the issuance to the individual of a certificate of loss of nationality by the United States Department of State.

“(4) **LONG-TERM RESIDENT.**—The term ‘long-term resident’ has the meaning given to such term by section 877(e)(2).

“(f) **SPECIAL RULES APPLICABLE TO BENEFICIARIES’ INTERESTS IN TRUST.**—

“(1) **IN GENERAL.**—Except as provided in paragraph (2), if an individual is determined under paragraph (3) to hold an interest in a trust on the day before the expatriation date—

“(A) the individual shall not be treated as having sold such interest,

“(B) such interest shall be treated as a separate share in the trust, and

“(C)(i) such separate share shall be treated as a separate trust consisting of the assets allocable to such share,

“(ii) the separate trust shall be treated as having sold its assets on the day before the expatriation date for their fair market value and as having distributed all of its assets to the individual as of such time, and

“(iii) the individual shall be treated as having recontributed the assets to the separate trust.

Subsection (a)(2) shall apply to any income, gain, or loss of the individual arising from a distribution described in subparagraph (C)(ii). In determining the amount of such distribution, proper adjustments shall be made for liabilities of the trust allocable to an individual’s share in the trust.

“(2) **SPECIAL RULES FOR INTERESTS IN QUALIFIED TRUSTS.**—

“(A) **IN GENERAL.**—If the trust interest described in paragraph (1) is an interest in a qualified trust—

“(i) paragraph (1) and subsection (a) shall not apply, and

“(ii) in addition to any other tax imposed by this title, there is hereby imposed on each distribution with respect to such interest a tax in the amount determined under subparagraph (B).

“(B) **AMOUNT OF TAX.**—The amount of tax under subparagraph (A)(ii) shall be equal to the lesser of—

“(i) the highest rate of tax imposed by section 1(e) for the taxable year which includes the day before the expatriation date, multiplied by the amount of the distribution, or

“(ii) the balance in the deferred tax account immediately before the distribution determined without regard to any increases under subparagraph (C)(ii) after the 30th day preceding the distribution.

“(C) **DEFERRED TAX ACCOUNT.**—For purposes of subparagraph (B)(ii)—

“(i) **OPENING BALANCE.**—The opening balance in a deferred tax account with respect to any trust interest is an amount equal to the tax which would have been imposed on the allocable expatriation gain with respect to the trust interest if such gain had been included in gross income under subsection (a).

“(ii) **INCREASE FOR INTEREST.**—The balance in the deferred tax account shall be increased by the amount of interest determined (on the balance in the account at the time the interest accrues), for periods after the 90th day after the expatriation date, by using the rates and method applicable under section 6621 for underpayments of tax for such periods, except that section 6621(a)(2) shall be applied by substituting ‘5 percentage points’ for ‘3 percentage points’ in subparagraph (B) thereof.

“(iii) **DECREASE FOR TAXES PREVIOUSLY PAID.**—The balance in the tax deferred account shall be reduced—

“(I) by the amount of taxes imposed by subparagraph (A) on any distribution to the person holding the trust interest, and

“(II) in the case of a person holding a nonvested interest, to the extent provided in regulations, by the amount of taxes imposed by subparagraph (A) on distributions from the trust with respect to nonvested interests not held by such person.

“(D) **ALLOCABLE EXPATRIATION GAIN.**—For purposes of this paragraph, the allocable expatriation gain with respect to any beneficiary’s interest in a trust is the amount of gain which would be allocable to such beneficiary’s vested and nonvested interests in the trust if the beneficiary held directly all assets allocable to such interests.

“(E) **TAX DEDUCTED AND WITHHELD.**—

“(i) **IN GENERAL.**—The tax imposed by subparagraph (A)(ii) shall be deducted and withheld by the trustees from the distribution to which it relates.

“(ii) **EXCEPTION WHERE FAILURE TO WAIVE TREATY RIGHTS.**—If an amount may not be deducted and withheld under clause (i) by reason

of the distributee failing to waive any treaty right with respect to such distribution—

“(I) the tax imposed by subparagraph (A)(ii) shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax, and

“(II) any other beneficiary of the trust shall be entitled to recover from the distributee the amount of such tax imposed on the other beneficiary.

“(F) DISPOSITION.—If a trust ceases to be a qualified trust at any time, a covered expatriate disposes of an interest in a qualified trust, or a covered expatriate holding an interest in a qualified trust dies, then, in lieu of the tax imposed by subparagraph (A)(ii), there is hereby imposed a tax equal to the lesser of—

“(i) the tax determined under paragraph (1) as if the day before the expatriation date were the date of such cessation, disposition, or death, whichever is applicable, or

“(ii) the balance in the tax deferred account immediately before such date.

Such tax shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax and any other beneficiary of the trust shall be entitled to recover from the covered expatriate or the estate the amount of such tax imposed on the other beneficiary.

“(G) DEFINITIONS AND SPECIAL RULES.—For purposes of this paragraph—

“(i) QUALIFIED TRUST.—The term ‘qualified trust’ means a trust which is described in section 7701(a)(30)(E).

“(ii) VESTED INTEREST.—The term ‘vested interest’ means any interest which, as of the day before the expatriation date, is vested in the beneficiary.

“(iii) NONVESTED INTEREST.—The term ‘nonvested interest’ means, with respect to any beneficiary, any interest in a trust which is not a vested interest. Such interest shall be determined by assuming the maximum exercise of discretion in favor of the beneficiary and the occurrence of all contingencies in favor of the beneficiary.

“(iv) ADJUSTMENTS.—The Secretary may provide for such adjustments to the bases of assets in a trust or a deferred tax account, and the timing of such adjustments, in order to ensure that gain is taxed only once.

“(v) COORDINATION WITH RETIREMENT PLAN RULES.—This subsection shall not apply to an interest in a trust which is part of a retirement plan to which subsection (d)(2) applies.

“(3) DETERMINATION OF BENEFICIARIES’ INTEREST IN TRUST.—

“(A) DETERMINATIONS UNDER PARAGRAPH (1).—For purposes of paragraph (1), a beneficiary’s interest in a trust shall be based upon all relevant facts and circumstances, including the terms of the trust instrument and any letter of wishes or similar document, historical patterns of trust distributions, and the existence of and functions performed by a trust protector or any similar adviser.

“(B) OTHER DETERMINATIONS.—For purposes of this section—

“(i) CONSTRUCTIVE OWNERSHIP.—If a beneficiary of a trust is a corporation, partnership, trust, or estate, the shareholders, partners, or beneficiaries shall be deemed to be the trust beneficiaries for purposes of this section.

“(ii) TAXPAYER RETURN POSITION.—A taxpayer shall clearly indicate on its income tax return—

“(I) the methodology used to determine that taxpayer’s trust interest under this section, and

“(II) if the taxpayer knows (or has reason to know) that any other beneficiary of such trust is using a different methodology to determine such beneficiary’s trust interest under this section.

“(g) TERMINATION OF DEFERRALS, ETC.—In the case of any covered expatriate, notwithstanding any other provision of this title—

“(1) any period during which recognition of income or gain is deferred shall terminate on the day before the expatriation date, and

“(2) any extension of time for payment of tax shall cease to apply on the day before the expatriation date and the unpaid portion of such tax shall be due and payable at the time and in the manner prescribed by the Secretary.

“(h) IMPOSITION OF TENTATIVE TAX.—

“(1) IN GENERAL.—If an individual is required to include any amount in gross income under subsection (a) for any taxable year, there is hereby imposed, immediately before the expatriation date, a tax in an amount equal to the amount of tax which would be imposed if the taxable year were a short taxable year ending on the expatriation date.

“(2) DUE DATE.—The due date for any tax imposed by paragraph (1) shall be the 90th day after the expatriation date.

“(3) TREATMENT OF TAX.—Any tax paid under paragraph (1) shall be treated as a payment of the tax imposed by this chapter for the taxable year to which subsection (a) applies.

“(4) DEFERRAL OF TAX.—The provisions of subsection (b) shall apply to the tax imposed by this subsection to the extent attributable to gain includible in gross income by reason of this section.

“(i) SPECIAL LIENS FOR DEFERRED TAX AMOUNTS.—

“(1) IMPOSITION OF LIEN.—

“(A) IN GENERAL.—If a covered expatriate makes an election under subsection (a)(4) or (b) which results in the deferral of any tax imposed by reason of subsection (a), the deferred amount (including any interest, additional amount, addition to tax, assessable penalty, and costs attributable to the deferred amount) shall be a lien in favor of the United States on all property of the expatriate located in the United States (without regard to whether this section applies to the property).

“(B) DEFERRED AMOUNT.—For purposes of this subsection, the deferred amount is the amount of the increase in the covered expatriate’s income tax which, but for the election under subsection (a)(4) or (b), would have occurred by reason of this section for the taxable year including the expatriation date.

“(2) PERIOD OF LIEN.—The lien imposed by this subsection shall arise on the expatriation date and continue until—

“(A) the liability for tax by reason of this section is satisfied or has become unenforceable by reason of lapse of time, or

“(B) it is established to the satisfaction of the Secretary that no further tax liability may arise by reason of this section.

“(3) CERTAIN RULES APPLY.—The rules set forth in paragraphs (1), (3), and (4) of section 6324A(d) shall apply with respect to the lien imposed by this subsection as if it were a lien imposed by section 6324A.

“(j) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.”

(b) INCLUSION IN INCOME OF GIFTS AND BEQUESTS RECEIVED BY UNITED STATES CITIZENS AND RESIDENTS FROM EXPATRIATES.—Section 102 (relating to gifts, etc. not included in gross income) is amended by adding at the end the following new subsection:

“(d) GIFTS AND INHERITANCES FROM COVERED EXPATRIATES.—

“(1) IN GENERAL.—Subsection (a) shall not exclude from gross income the value of any property acquired by gift, bequest, devise, or inheritance from a covered expatriate after the expatriation date. For purposes of this subsection, any term used in this subsection which is also used in section 877A shall have the same meaning as when used in section 877A.

“(2) EXCEPTIONS FOR TRANSFERS OTHERWISE SUBJECT TO ESTATE OR GIFT TAX.—Paragraph (1) shall not apply to any property if either—

“(A) the gift, bequest, devise, or inheritance is—

“(i) shown on a timely filed return of tax imposed by chapter 12 as a taxable gift by the covered expatriate, or

“(ii) included in the gross estate of the covered expatriate for purposes of chapter 11 and shown on a timely filed return of tax imposed by chapter 11 of the estate of the covered expatriate, or

“(B) no such return was timely filed but no such return would have been required to be filed even if the covered expatriate were a citizen or long-term resident of the United States.”

(c) DEFINITION OF TERMINATION OF UNITED STATES CITIZENSHIP.—Section 7701(a) is amended by adding at the end the following new paragraph:

“(48) TERMINATION OF UNITED STATES CITIZENSHIP.—

“(A) IN GENERAL.—An individual shall not cease to be treated as a United States citizen before the date on which the individual’s citizenship is treated as relinquished under section 877A(e)(3).

“(B) DUAL CITIZENS.—Under regulations prescribed by the Secretary, subparagraph (A) shall not apply to an individual who became at birth a citizen of the United States and a citizen of another country.”

(d) INELIGIBILITY FOR VISA OR ADMISSION TO UNITED STATES.—

(1) IN GENERAL.—Section 212(a)(10)(E) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(E)) is amended to read as follows:

“(E) FORMER CITIZENS NOT IN COMPLIANCE WITH EXPATRIATION REVENUE PROVISIONS.—Any alien who is a former citizen of the United States who relinquishes United States citizenship (within the meaning of section 877A(e)(3) of the Internal Revenue Code of 1986) and who is not in compliance with section 877A of such Code (relating to expatriation).”

(2) AVAILABILITY OF INFORMATION.—

(A) IN GENERAL.—Section 6103(l) (relating to disclosure of returns and return information for purposes other than tax administration) is amended by adding at the end the following new paragraph:

“(18) DISCLOSURE TO DENY VISA OR ADMISSION TO CERTAIN EXPATRIATES.—Upon written request of the Attorney General or the Attorney General’s delegate, the Secretary shall disclose whether an individual is in compliance with section 877A (and if not in compliance, any items of noncompliance) to officers and employees of the Federal agency responsible for administering section 212(a)(10)(E) of the Immigration and Nationality Act solely for the purpose of, and to the extent necessary in, administering such section 212(a)(10)(E).”

(B) SAFEGUARDS.—Section 6103(p)(4) (relating to safeguards) is amended by striking “or (17)” each place it appears and inserting “(17), or (18)”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to individuals who relinquish United States citizenship on or after the date of the enactment of this Act.

(e) CONFORMING AMENDMENTS.—

(1) Section 877 is amended by adding at the end the following new subsection:

“(g) APPLICATION.—This section shall not apply to an expatriate (as defined in section 877A(e)) whose expatriation date (as so defined) occurs on or after September 12, 2002.”

(2) Section 2107 is amended by adding at the end the following new subsection:

“(f) APPLICATION.—This section shall not apply to any expatriate subject to section 877A.”

(3) Section 2501(a)(3) is amended by adding at the end the following new subparagraph:

“(F) APPLICATION.—This paragraph shall not apply to any expatriate subject to section 877A.”

(4)(A) Paragraph (1) of section 6039G(d) is amended by inserting “or 877A” after “section 877”.

(B) The second sentence of section 6039G(e) is amended by inserting “or who relinquishes United States citizenship (within the meaning of section 877A(e)(3))” after “877(a)”.

(C) Section 6039G(f) is amended by inserting "or 877A(e)(2)(B)" after "877(e)(1)".

(f) CLERICAL AMENDMENT.—The table of sections for subpart A of part II of subchapter N of chapter 1 is amended by inserting after the item relating to section 877 the following new item:

"Sec. 877A. Tax responsibilities of expatriation."

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in this subsection, the amendments made by this section shall apply to expatriates (within the meaning of section 877A(e) of the Internal Revenue Code of 1986, as added by this section) whose expatriation date (as so defined) occurs on or after September 12, 2002.

(2) GIFTS AND BEQUESTS.—Section 102(d) of the Internal Revenue Code of 1986 (as added by subsection (b)) shall apply to gifts and bequests received on or after September 12, 2002, from an individual or the estate of an individual whose expatriation date (as so defined) occurs after such date.

(3) DUE DATE FOR TENTATIVE TAX.—The due date under section 877A(h)(2) of the Internal Revenue Code of 1986, as added by this section, shall in no event occur before the 90th day after the date of the enactment of this Act.

SEC. 202. EXTENSION OF INTERNAL REVENUE SERVICE USER FEES.

(a) IN GENERAL.—Chapter 77 (relating to miscellaneous provisions) is amended by adding at the end the following new section:

"SEC. 7527. INTERNAL REVENUE SERVICE USER FEES.

"(a) GENERAL RULE.—The Secretary shall establish a program requiring the payment of user fees for—

"(1) requests to the Internal Revenue Service for ruling letters, opinion letters, and determination letters, and

"(2) other similar requests.

"(b) PROGRAM CRITERIA.—

"(1) IN GENERAL.—The fees charged under the program required by subsection (a)—

"(A) shall vary according to categories (or subcategories) established by the Secretary,

"(B) shall be determined after taking into account the average time for (and difficulty of) complying with requests in each category (and subcategory), and

"(C) shall be payable in advance.

"(2) EXEMPTIONS, ETC.—

"(A) IN GENERAL.—The Secretary shall provide for such exemptions (and reduced fees) under such program as the Secretary determines to be appropriate.

"(B) EXEMPTION FOR CERTAIN REQUESTS REGARDING PENSION PLANS.—The Secretary shall not require payment of user fees under such program for requests for determination letters with respect to the qualified status of a pension benefit plan maintained solely by 1 or more eligible employers or any trust which is part of the plan. The preceding sentence shall not apply to any request—

"(i) made after the later of—

"(I) the fifth plan year the pension benefit plan is in existence, or

"(II) the end of any remedial amendment period with respect to the plan beginning within the first 5 plan years, or

"(ii) made by the sponsor of any prototype or similar plan which the sponsor intends to market to participating employers.

"(C) DEFINITIONS AND SPECIAL RULES.—For purposes of subparagraph (B)—

"(i) PENSION BENEFIT PLAN.—The term 'pension benefit plan' means a pension, profit-sharing, stock bonus, annuity, or employee stock ownership plan.

"(ii) ELIGIBLE EMPLOYER.—The term 'eligible employer' means an eligible employer (as defined in section 408(p)(2)(C)(i)(I)) which has at least 1 employee who is not a highly compensated employee (as defined in section 414(q)) and is participating in the plan. The determination of

whether an employer is an eligible employer under subparagraph (B) shall be made as of the date of the request described in such subparagraph.

"(iii) DETERMINATION OF AVERAGE FEES CHARGED.—For purposes of any determination of average fees charged, any request to which subparagraph (B) applies shall not be taken into account.

"(3) AVERAGE FEE REQUIREMENT.—The average fee charged under the program required by subsection (a) shall not be less than the amount determined under the following table:

Category	Average Fee
Employee plan ruling and opinion	\$250
Exempt organization ruling	\$350
Employee plan determination	\$300
Exempt organization determination ...	\$275
Chief counsel ruling	\$200.

"(c) TERMINATION.—No fee shall be imposed under this section with respect to requests made after September 30, 2012."

(b) CONFORMING AMENDMENTS.—

(1) The table of sections for chapter 77 is amended by adding at the end the following new item:

"Sec. 7527. Internal Revenue Service user fees."

(2) Section 10511 of the Revenue Act of 1987 is repealed.

(3) Section 620 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is repealed.

(c) LIMITATIONS.—Notwithstanding any other provision of law, any fees collected pursuant to section 7527 of the Internal Revenue Code of 1986, as added by subsection (a), shall not be expended by the Internal Revenue Service unless provided by an appropriations Act.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to requests made after the date of the enactment of this Act.

SEC. 203. PARTIAL PAYMENT OF TAX LIABILITY IN INSTALLMENT AGREEMENTS.

(a) IN GENERAL.—

(1) Section 6159(a) (relating to authorization of agreements) is amended—

(A) by striking "satisfy liability for payment of" and inserting "make payment on", and

(B) by inserting "full or partial" after "facilitate".

(2) Section 6159(c) (relating to Secretary required to enter into installment agreements in certain cases) is amended in the matter preceding paragraph (1) by inserting "full" before "payment".

(b) REQUIREMENT TO REVIEW PARTIAL PAYMENT AGREEMENTS EVERY TWO YEARS.—Section 6159 is amended by redesignating subsections (d) and (e) as subsections (e) and (f), respectively, and inserting after subsection (c) the following new subsection:

"(d) SECRETARY REQUIRED TO REVIEW INSTALLMENT AGREEMENTS FOR PARTIAL COLLECTION EVERY TWO YEARS.—In the case of an agreement entered into by the Secretary under subsection (a) for partial collection of a tax liability, the Secretary shall review the agreement at least once every 2 years."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to agreements entered into on or after the date of the enactment of this Act.

Amend the title so as to read: "An Act to amend the Internal Revenue Code of 1986 to improve tax equity for military personnel, and for other purposes."

PHARMACY EDUCATION AID ACT OF 2002

Mr. REID. I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 621, S. 1806.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1806) to amend the Public Health Service Act with respect to health professions programs regarding the practice of pharmacy.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Health, Education, Labor, and Pensions, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

[Strike the part shown in black brackets and insert the part shown in italic.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. SHORT TITLE.

[This Act may be cited as the "Pharmacy Education Aid Act of 2001".

[SEC. 2. FINDINGS.

[Congress makes the following findings:

[(1) Pharmacists are an important link in our Nation's health care system. A critical shortage of pharmacists is threatening the ability of pharmacies to continue to provide important prescription related services.

[(2) In the landmark report entitled "To Err is Human: Building a Safer Health System", the Institute of Medicine reported that medication errors can be partially attributed to factors that are indicative of a shortage of pharmacists (such as too many customers, numerous distractions, and staff shortages).

[(3) Congress acknowledged in the Healthcare Research and Quality Act of 1999 (Public Law 106-129) a growing demand for pharmacists by requiring the Secretary of Health and Human Services to conduct a study to determine whether there is a shortage of pharmacists in the United States and, if so, to what extent.

[(4) As a result of Congress' concern about how a shortage of pharmacists would impact the public health, the Secretary of Health and Human Services published a report entitled "The Pharmacist Workforce: A Study in Supply and Demand for Pharmacists" in December of 2000.

[(5) "The Pharmacist Workforce: A Study in Supply and Demand for Pharmacists" found that "While the overall supply of pharmacists has increased in the past decade, there has been an unprecedented demand for pharmacists and for pharmaceutical care services, which has not been met by the currently available supply" and that the "evidence clearly indicates the emergence of a shortage of pharmacists over the past two years".

[(6) The same study also found that "The factors causing the current shortage are of a nature not likely to abate in the near future without fundamental changes in pharmacy practice and education." The study projects that the number of prescriptions filled by community pharmacists will increase by 20 percent by 2004. In contrast, the number of community pharmacists is expected to increase by only 6 percent by 2005.

[(7) The demand for pharmacists will increase as prescription drug use continues to grow.

[SEC. 3. INCLUSION OF PRACTICE OF PHARMACY IN PROGRAM FOR NATIONAL HEALTH SERVICE CORPS.

[(a) INCLUSION IN CORPS MISSION.—Section 331(a)(3) of the Public Health Service Act (42 U.S.C. 254d(a)(3)) is amended—

[(1) in subparagraph (D), by adding at the end the following: "Such term includes pharmacist services."; and

[(2) by adding at the end the following:

[(E)(i) The term 'pharmacist services' includes drug therapy management services furnished by a pharmacist, individually or on behalf of a pharmacy provider, and such services and supplies furnished incident to the pharmacist's drug therapy management services, that the pharmacist is legally authorized to perform (in the State in which the individual performs such services) in accordance with State law (or the State regulatory mechanism provided for by State law)."]

[(b) SCHOLARSHIP PROGRAM.—Section 338A of the Public Health Service Act (42 U.S.C. 254f) is amended—

[(1) in subsection (a)(1), by inserting "pharmacists," after "physicians,"; and

[(2) in subsection (b)(1), by inserting "pharmacy" after "dentistry,".

[(c) LOAN REPAYMENT PROGRAM.—Section 338B of the Public Health Service Act (42 U.S.C. 254f-1) is amended—

[(1) in subsection (a)(1), by inserting "pharmacists," after "physicians,"; and

[(2) in subsection (b)(1), by inserting "pharmacy," after "dentistry,".

[(d) FUNDING.—Section 338H(b)(2) of the Public Health Service Act (42 U.S.C. 254q(b)(2)) is amended in subparagraph (A), by inserting before the period the following: "which may include such contracts for individuals who are in a course of study or program leading to a pharmacy degree".

[SEC. 4. CERTAIN HEALTH PROFESSIONS PROGRAMS REGARDING PRACTICE OF PHARMACY.]

[(a) IN GENERAL.—Part E of title VII of the Public Health Service Act (42 U.S.C. 294n et seq.) is amended—

[(1) by redesignating section 770 as section 771; and

[(2) by adding at the end the following subpart:

["Subpart 3—Certain Workforce Programs]

[SEC. 771. PRACTICING PHARMACIST WORKFORCE.]

[(a) RECRUITING AND RETAINING STUDENTS AND FACULTY.—

[(1) IN GENERAL.—The Secretary may make awards of grants or contracts to qualifying schools of pharmacy (as defined in subsection (f)) for the purpose of carrying out programs for recruiting and retaining students and faculty for such schools, including programs to provide scholarships for attendance at such schools to full-time students who have financial need for the scholarships and who demonstrate a commitment to becoming practicing pharmacists or faculty.

[(2) PREFERENCE IN PROVIDING SCHOLARSHIPS.—An award may not be made under paragraph (1) unless the qualifying school of pharmacy involved agrees that, in providing scholarships pursuant to the award, the school will give preference to students for whom the costs of attending the school would constitute a severe financial hardship.

[(b) LOAN REPAYMENT PROGRAM REGARDING FACULTY POSITIONS.—

[(1) IN GENERAL.—The Secretary may establish a program of entering into contracts with individuals described in paragraph (2) under which the individuals agree to serve as members of the faculties of qualifying schools of pharmacy in consideration of the Federal Government agreeing to pay, for each year of such service, not more than \$20,000 of the principal and interest of the educational loans of such individuals.

[(2) ELIGIBLE INDIVIDUALS.—The individuals referred to in paragraph (1) are individuals who—

[(A) have a doctoral degree in pharmacy or the pharmaceutical sciences; or

[(B) are enrolled in a school of pharmacy and are in the final academic year of such

school in a program leading to such a doctoral degree.

[(3) REQUIREMENTS REGARDING FACULTY POSITIONS.—The Secretary may not enter into a contract under paragraph (1) unless—

[(A) the individual involved has entered into a contract with a qualifying school of pharmacy to serve as a member of the faculty of the school for not less than 2 years;

[(B) the contract referred to in subparagraph (A) provides that, in serving as a member of the faculty pursuant to such subparagraph, the individual will—

[(i) serve full time; or

[(ii) serve as a member of the adjunct clinical faculty and in so serving will actively supervise pharmacy students for 25 academic weeks per year (or such greater number of academic weeks as may be specified in the contract); and

[(C) such contract provides that—

[(i) the school will, for each year for which the individual will serve as a member of the faculty under the contract with the school, make payments of the principal and interest due on the educational loans of the individual for such year in an amount equal to the amount of such payments made by the Secretary for the year;

[(ii) the payments made by the school pursuant to clause (i) on behalf of the individual will be in addition to the pay that the individual would otherwise receive for serving as a member of such faculty; and

[(iii) the school, in making a determination of the amount of compensation to be provided by the school to the individual for serving as a member of the faculty, will make the determination without regard to the amount of payments made (or to be made) to the individual by the Federal Government under paragraph (1).

[(4) APPLICABILITY OF CERTAIN PROVISIONS.—The provisions of sections 338C, 338G, and 338I shall apply to the program established in paragraph (1) to the same extent and in the same manner as such provisions apply to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III, including the applicability of provisions regarding reimbursements for increased tax liability and provisions regarding bankruptcy.

[(5) WAIVER REGARDING SCHOOL CONTRIBUTIONS.—The Secretary may waive the requirement established in paragraph (3)(C) if the Secretary determines that the requirement will impose an undue financial hardship on the school involved.

[(c) INFORMATION TECHNOLOGY.—The Secretary may make awards of grants or contracts to qualifying schools of pharmacy for the purpose of assisting such schools in acquiring and installing computer-based systems to provide pharmaceutical education. Education provided through such systems may be graduate education, professional education, or continuing education. The computer-based systems may be designed to provide on-site education, or education at remote sites (commonly referred to as distance learning), or both.

[(d) FACILITIES.—The Secretary may award grants under section 1610 for construction projects to expand, remodel, renovate, or alter existing facilities for qualifying schools of pharmacy or to provide new facilities for the schools.

[(e) REQUIREMENT REGARDING EDUCATION IN PRACTICE OF PHARMACY.—With respect to the qualifying school of pharmacy involved, the Secretary shall ensure that programs and activities carried out with Federal funds provided under this section have the goal of educating students to become licensed pharmacists, or the goal of providing for faculty to recruit, retain, and educate students to become licensed pharmacists.

[(f) QUALIFYING SCHOOL OF PHARMACY.—For purposes of this section, the term 'qualifying school of pharmacy' means a college or school of pharmacy (as defined in section 799B) that, in providing clinical experience for students, requires that the students serve in a clinical rotation in which pharmacist services (as defined in section 331(a)(3)(E)) are provided at or for—

[(1) a medical facility that serves a substantial number of individuals who reside in or are members of a medically underserved community (as so defined);

[(2) an entity described in any of subparagraphs (A) through (L) of section 340B(a)(4) (relating to the definition of covered entity);

[(3) a health care facility of the Department of Veterans Affairs or of any of the Armed Forces of the United States;

[(4) a health care facility of the Bureau of Prisons;

[(5) a health care facility operated by, or with funds received from, the Indian Health Service; or

[(6) a disproportionate share hospital under section 1923 of the Social Security Act.

[(g) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2002 through 2006."

[(b) TECHNICAL AND CONFORM AMENDMENTS.—Section 1610(a) of the Public Health Service Act (42 U.S.C. 300r(a)) is amended—

[(1) in paragraph (1)—

[(A) in subparagraph (A)—

[(i) in clause (i), by striking "or" at the end thereof;

[(ii) in clause (ii), by striking the period and inserting "; or"; and

[(iii) by adding at the end the following:

[(i) expand, remodel, renovate, or alter existing facilities for qualifying schools of pharmacy or to provide new facilities for the schools in accordance with section 771(d)."]

[(B) in subparagraph (B)—

[(i) in clause (i), by striking "and" at the end thereof;

[(ii) in clause (ii)(II), by striking the period and inserting "; or"; and

[(iii) by adding at the end the following:

[(i) a qualifying school of pharmacy (as defined in section 771(f))."]

[(2) by striking the first sentence of paragraph (3) and inserting the following: "There are authorized to be appropriated for grants under paragraph (1)(A)(iii), such sums as may be necessary."; and

[(3) by adding at the end the following:

[(4) RECAPTURE OF PAYMENTS.—If, during the 20-year period beginning on the date of the completion of construction pursuant to a grant under paragraph (1)(A)(iii)—

[(A) the school of pharmacy involved, or other owner of the facility, ceases to be a public or nonprofit private entity; or

[(B) the facility involved ceases to be used for the purposes for which it was constructed (unless the Secretary determines, in accordance with regulations, that there is good cause for releasing the school or other owner from such obligation);

["the United States is entitled to recover from the school or other owner of the facility the amount bearing the same ratio to the current value (as determined by an agreement between the parties or by action brought in the United States District Court for the district in which such facility is situated) of the facility as the amount of the Federal participation bore to the cost of the construction of such facility.".]

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pharmacy Education Aid Act of 2002".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Pharmacists are an important link in our Nation's health care system. A critical shortage of pharmacists is threatening the ability of pharmacies to continue to provide important prescription related services.

(2) In the landmark report entitled "To Err is Human: Building a Safer Health System", the Institute of Medicine reported that medication errors can be partially attributed to factors that are indicative of a shortage of pharmacists (such as too many customers, numerous distractions, and staff shortages).

(3) Congress acknowledged in the Healthcare Research and Quality Act of 1999 (Public Law 106-129) a growing demand for pharmacists by requiring the Secretary of Health and Human Services to conduct a study to determine whether there is a shortage of pharmacists in the United States and, if so, to what extent.

(4) As a result of Congress' concern about how a shortage of pharmacists would impact the public health, the Secretary of Health and Human Services published a report entitled "The Pharmacist Workforce: A Study in Supply and Demand for Pharmacists" in December of 2000.

(5) "The Pharmacist Workforce: A Study in Supply and Demand for Pharmacists" found that "While the overall supply of pharmacists has increased in the past decade, there has been an unprecedented demand for pharmacists and for pharmaceutical care services, which has not been met by the currently available supply" and that the "evidence clearly indicates the emergence of a shortage of pharmacists over the past two years".

(6) The same study also found that "The factors causing the current shortage are of a nature not likely to abate in the near future without fundamental changes in pharmacy practice and education." The study projects that the number of prescriptions filled by community pharmacists will increase by 20 percent by 2004. In contrast, the number of community pharmacists is expected to increase by only 6 percent by 2005.

(7) The demand for pharmacists will increase as prescription drug use continues to grow.

SEC. 3. HEALTH PROFESSIONS PROGRAM RELATED TO THE PRACTICE OF PHARMACY.

(a) IN GENERAL.—Part E of title VII of the Public Health Service Act (42 U.S.C. 294n et seq.) is amended by adding at the end the following:

"Subpart 3—Pharmacy Workforce Development

"SEC. 781. LOAN REPAYMENT PROGRAM.

"(a) IN GENERAL.—In the case of any individual—

"(1) who has received a baccalaureate degree in pharmacy or a Doctor of Pharmacy degree from an accredited program; and

"(2) who obtained an educational loan for pharmacy education costs;

the Secretary may enter into an agreement with such individual who agrees to serve as a full-time pharmacist for a period of not less than 2 years at a health care facility with a critical shortage of pharmacists, to make payments in accordance with subsection (b), for and on behalf of that individual, on the principal of and interest on any loan of that individual described in paragraph (2) which is outstanding on the date the individual begins such service.

"(b) MANNER OF PAYMENTS.—

"(1) IN GENERAL.—The payments described in subsection (a) may consist of payment, in accordance with paragraph (2), on behalf of the individual of the principal, interest, and related expenses on government and commercial loans received by the individual regarding the undergraduate or graduate education of the individual (or both), which loans were made for—

"(A) tuition expenses;

"(B) all other reasonable educational expenses, including fees, books, and laboratory expenses, incurred by the individual; or

"(C) reasonable living expenses as determined by the Secretary.

"(2) PAYMENTS FOR YEARS SERVED.—

"(A) IN GENERAL.—For each year of obligated service that an individual contracts to serve under subsection (a)(3) the Secretary may pay up to \$35,000 on behalf of the individual for loans described in paragraph (1). In making a determination of the amount to pay for a year of such service by an individual, the Secretary shall consider the extent to which each such determination—

"(i) affects the ability of the Secretary to maximize the number of agreements that may be provided under this section from the amounts appropriated for such agreements;

"(ii) provides an incentive to serve in areas with the greatest shortages of pharmacists; and

"(iii) provides an incentive with respect to the pharmacist involved remaining in the area and continuing to provide pharmacy services after the completion of the period of obligated service under agreement.

"(B) REPAYMENT SCHEDULE.—Any arrangement made by the Secretary for the making of loan repayments in accordance with this subsection shall provide that any repayments for a year of obligated service shall be made not later than the end of the fiscal year in which the individual completes such year of service.

"(3) TAX LIABILITY.—For the purpose of providing reimbursements for tax liability resulting from payments under paragraph (2) on behalf of an individual—

"(A) the Secretary shall, in addition to such payments, make payments to the individual in an amount equal to 39 percent of the total amount of loan repayments made for the taxable year involved; and

"(B) may make such additional payments as the Secretary determines to be appropriate with respect to such purpose.

"(4) PAYMENT SCHEDULE.—The Secretary may enter into an agreement with the holder of any loan for which payments are made under this section to establish a schedule for the making of such payments.

"(c) PREFERENCES.—In entering into agreements under subsection (a), the Secretary shall give preference to qualified applicants with the greatest financial need.

"(d) REPORTS.—

"(1) ANNUAL REPORT.—Not later than 18 months after the date of enactment of the Pharmacy Education Aid Act, and annually thereafter, the Secretary shall prepare and submit to Congress a report describing the program carried out under this section, including statements regarding—

"(A) the number of enrollees, loan repayments, and recipients;

"(B) the number of graduates;

"(C) the amount of loan repayments made;

"(D) which educational institution the recipients attended;

"(E) the number and placement location of the loan repayment recipients at health care facilities with a critical shortage of pharmacists;

"(F) the default rate and actions required;

"(G) the amount of outstanding default funds of the loan repayment program;

"(H) to the extent that it can be determined, the reason for the default;

"(I) the demographics of the individuals participating in the loan repayment program; and

"(J) an evaluation of the overall costs and benefits of the program.

"(2) 5-YEAR REPORT.—Not later than 5 years after the date of enactment of the Pharmacy Education Aid Act, the Secretary shall prepare and submit to Congress a report on how the program carried out under this section interacts with other Federal loan repayment programs for pharmacists and determining the relative effectiveness of such programs in increasing pharmacists practicing in areas with a critical shortage or pharmacists.

"(e) BREACH OF AGREEMENT.—

"(1) IN GENERAL.—In the case of any program under this section under which an individual makes an agreement to provide health services for a period of time in accordance with such program in consideration of receiving an award of Federal funds regarding education as a pharmacist (including an award for the repayment of loans), the following applies if the agreement provides that this subsection is applicable:

"(A) In the case of a program under this section that makes an award of Federal funds for attending an accredited program of pharmacy (in this section referred to as a 'pharmacy program'), the individual is liable to the Federal Government for the amount of such award (including amounts provided for expenses related to such attendance), and for interest on such amount at the maximum legal prevailing rate, if the individual—

"(i) fails to maintain an acceptable level of academic standing in the pharmacy program (as indicated by the program in accordance with requirements established by the Secretary);

"(ii) is dismissed from the pharmacy program for disciplinary reasons; or

"(iii) voluntarily terminates the pharmacy program.

"(B) The individual is liable to the Federal Government for the amount of such award (including amounts provided for expenses related to such attendance), and for interest on such amount at the maximum legal prevailing rate, if the individual fails to provide health services in accordance with the program under this section for the period of time applicable under the program.

"(2) WAIVER OR SUSPENSION OF LIABILITY.—In the case of an individual or health facility making an agreement for purposes of paragraph (1), the Secretary shall provide for the waiver or suspension of liability under such subsection if compliance by the individual or the health facility, as the case may be, with the agreements involved is impossible, or would involve extreme hardship to the individual or facility, and if enforcement of the agreements with respect to the individual or facility would be unconscionable.

"(3) DATE CERTAIN FOR RECOVERY.—Subject to paragraph (2), any amount that the Federal Government is entitled to recover under paragraph (1) shall be paid to the United States not later than the expiration of the 3-year period beginning on the date the United States becomes so entitled.

"(4) AVAILABILITY.—Amounts recovered under paragraph (1) with respect to a program under this section shall be available for the purposes of such program, and shall remain available for such purposes until expended.

"(f) DEFINITION.—In this section, the term 'health care facility' means an Indian Health Service health center, a Native Hawaiian health center, a hospital, a pharmacy, a Federal qualified health center, a rural health clinic, a nursing home, a home health agency, a hospice program, a public health clinic, a State or local department of public health, a skilled nursing facility, an ambulatory surgical center, or any other facility determined appropriate by the Secretary.

"(g) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of payments under agreements entered into under subsection (a), there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2003 through 2007.

"SEC. 782. PHARMACIST FACULTY LOAN PROGRAM.

"(a) ESTABLISHMENT.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may enter into an agreement with any school of pharmacy for the establishment and operation of a student loan fund in accordance with this section, to increase the number of qualified pharmacy faculty.

"(b) AGREEMENTS.—Each agreement entered into under subsection (a) shall—

“(1) provide for the establishment of a student loan fund by the school involved;

“(2) provide for deposit in the fund of—

“(A) the Federal capital contributions to the fund;

“(B) an amount equal to not less than one-ninth of such Federal capital contributions, contributed by such school;

“(C) collections of principal and interest on loans made from the fund; and

“(D) any other earnings of the fund;

“(3) provide that the fund will be used only for loans to students of the school in accordance with subsection (c) and for costs of collection of such loans and interest thereon;

“(4) provide that loans may be made from such fund only to students pursuing a full-time course of study or, at the discretion of the Secretary, a part-time course of study; and

“(5) contain such other provisions as are necessary to protect the financial interests of the United States.

“(c) LOAN PROVISIONS.—Loans from any student loan fund established by a school pursuant to an agreement under subsection (a) shall be made to an individual on such terms and conditions as the school may determine, except that—

“(1) such terms and conditions are subject to any conditions, limitations, and requirements prescribed by the Secretary;

“(2) in the case of any individual, the total of the loans for any academic year made by schools of pharmacy from loan funds established pursuant to agreements under subsection (a) may not exceed \$30,000, plus any amount determined by the Secretary on an annual basis to reflect inflation;

“(3) an amount up to 85 percent of any such loan (plus interest thereon) shall be canceled by the school as follows:

“(A) upon completion by the individual of each of the first, second, and third year of full-time employment, required by the loan agreement entered into under this subsection, as a faculty member in a school of pharmacy, the school shall cancel 20 percent of the principle of, and the interest on, the amount of such loan unpaid on the first day of such employment; and

“(B) upon completion by the individual of the fourth year of full-time employment, required by the loan agreement entered into under this subsection, as a faculty member in a school of pharmacy, the school shall cancel 25 percent of the principle of, and the interest on, the amount of such loan unpaid on the first day of such employment;

“(4) such a loan may be used to pay the cost of tuition, fees, books, laboratory expenses, and other reasonable education expenses;

“(5) such a loan shall be repayable in equal or graduated periodic installments (with the right of the borrower to accelerate repayment) over the 10-year period that begins 9 months after the individual ceases to pursue a course of study at a school of pharmacy; and

“(6) such a loan shall—

“(A) beginning on the date that is 3 months after the individual ceases to pursue a course of study at a school of pharmacy, bear interest on the unpaid balance of the loan at the rate of 3 percent per annum; or

“(B) subject to subsection (e), if the school of pharmacy determines that the individual will not complete such course of study or serve as a faculty member as required under the loan agreement under this subsection, bear interest on the unpaid balance of the loan at the prevailing market rate.

“(d) PAYMENT OF PROPORTIONATE SHARE.—Where all or any part of a loan, or interest, is canceled under this section, the Secretary shall pay to the school an amount equal to the school's proportionate share of the canceled portion, as determined by the Secretary.

“(e) REVIEW BY SECRETARY.—At the request of the individual involved, the Secretary may review any determination by a school of pharmacy under subsection (c)(6)(B).

“(f) INFORMATION TECHNOLOGY.—The Secretary may make awards of grants or contracts to qualifying schools of pharmacy for the purpose of assisting such schools in acquiring and installing computer-based systems to provide pharmaceutical education. Education provided through such systems may be graduate education, professional education, or continuing education. The computer-based systems may be designed to provide on-site education, or education at remote sites (commonly referred to as distance learning), or both.

“(g) REQUIREMENT REGARDING EDUCATION IN PRACTICE OF PHARMACY.—With respect to the school of pharmacy involved, the Secretary shall ensure that programs and activities carried out with Federal funds provided under this section have the goal of educating students to become licensed pharmacists, or the goal of providing for faculty to recruit, retain, and educate students to become licensed pharmacists.

“(h) DEFINITIONS.—For purposes of this section:

“(1) SCHOOL OF PHARMACY.—the term ‘school of pharmacy’ means a college or school of pharmacy (as defined in section 799B) that, in providing clinical experience for students, requires that the students serve in a clinical rotation in which pharmacist services (as defined in section 331(a)(3)(E)) are provided at or for—

“(A) a medical facility that serves a substantial number of individuals who reside in or are members of a medically underserved community (as so defined);

“(B) an entity described in any of subparagraphs (A) through (L) of section 340B(a)(4) (relating to the definition of covered entity);

“(C) a health care facility of the Department of Veterans Affairs or of any of the Armed Forces of the United States;

“(D) a health care facility of the Bureau of Prisons;

“(E) a health care facility operated by, or with funds received from, the Indian Health Service; or

“(F) a disproportionate share hospital under section 1923 of the Social Security Act.

“(2) PHARMACIST SERVICES.—The term ‘pharmacist services’ includes drug therapy management services furnished by a pharmacist, individually or on behalf of a pharmacy provider, and such services and supplies furnished incident to the pharmacist's drug therapy management services, that the pharmacist is legally authorized to perform (in the State in which the individual performs such services) in accordance with State law (or the State regulatory mechanism provided for by State law).

“(i) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2003 through 2007.”

Mr. REID. I ask unanimous consent the committee-reported amendment be agreed to, the bill, as amended, be read three times and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1806), as amended, was read the third time and passed.

NATIONAL MINORITY HEALTH AND HEALTH DISPARITIES MONTH

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H. Con. Res. 388 and that

we now proceed to the consideration of that matter.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The senior assistant bill clerk read as follows:

A concurrent resolution (H. Con. Res. 388) expressing the sense of the Congress that there should be established a National Minority Health and Health Disparities Month, and for other purposes.

There being no objection, the Senate proceeded to the consideration of the concurrent resolution.

Mr. REID. I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 388) was agreed to.

The preamble was agreed to.

NATIONAL MINORITY HEALTH AND HEALTH DISPARITIES MONTH

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Con. Res. 139 and that the Senate now proceed to this matter.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The senior assistant bill clerk read as follows:

A concurrent resolution (S. Con. Res. 139) expressing the sense of Congress that there should be established a National Minority Health and Health Disparities Month, and for other purposes.

There being no objection, the Senate proceeded to the consideration of the concurrent resolution.

Mr. REID. I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 139) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 139

Whereas in 2000, the Surgeon General announced a goal of eliminating, by 2010, health disparities experienced by racial and ethnic minorities in health access and outcome in 6 areas: infant mortality, cancer screening, cardiovascular disease, diabetes, acquired immunodeficiency syndrome and human immunodeficiency virus infection, and immunizations;

Whereas despite notable progress in the overall health of the Nation there are continuing health disparities in the burden of illness and death experienced by African-Americans, Hispanics, Native Americans, Alaska Natives, Asians, and Pacific Islanders, compared to the population of the United States as a whole;

Whereas minorities are more likely to die from cancer, cardiovascular disease, stroke, chemical dependency, diabetes, infant mortality, violence, and, in recent years, acquired immunodeficiency syndrome than nonminorities suffering from those same illnesses;

Whereas there is a national need for scientists in the fields of biomedical, clinical, behavioral, and health services research to focus on how best to eliminate health disparities between minorities and the population of the United States as a whole;

Whereas the diverse health needs of minorities are more effectively addressed when there are minorities in the health care workforce; and

Whereas behavioral and social sciences research has increased awareness and understanding of factors associated with health care utilization and access, patient attitudes toward health services, and behaviors that affect health and illness, and these factors have the potential to be modified to help close the health disparities gap that effects minority populations: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) a National Minority Health and Health Disparities Month should be established to promote educational efforts on the health problems currently facing minorities and other populations experiencing health disparities;

(2) the Secretary of Health and Human Services should, as authorized by the Minority Health and Health Disparities Research and Education Act of 2000, present public service announcements on health promotion and disease prevention that target minorities and other populations experiencing health disparities in the United States and educate the public and health care professionals about health disparities;

(3) the President should issue a proclamation recognizing the immediate need to reduce health disparities in the United States and encouraging all health organizations and Americans to conduct appropriate programs and activities to promote healthfulness in minority and other communities experiencing health disparities;

(4) Federal, State, and local governments should work in concert with the private and nonprofit sector to recruit and retain qualified individuals from racial, ethnic, and gender groups that are currently underrepresented in health care professions;

(5) the Agency for Healthcare Research and Quality should continue to collect and report data on health care access and utilization on patients by race, ethnicity, socioeconomic status, and where possible, primary language, as authorized by the Minority Health and Health Disparities Research and Education Act of 2000, to monitor the Nation's

progress toward the elimination of health care disparities; and

(6) the information gained from research about factors associated with health care utilization and access, patient attitudes toward health services, and risk and protective behaviors that affect health and illness, should be disseminated to all health care professionals so that they may better communicate with all patients, regardless of race or ethnicity, without bias or prejudice.

NATIONAL CYSTIC FIBROSIS AWARENESS WEEK

Mr. REID. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 270 and the Senate now proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The senior assistant bill clerk read as follows:

A resolution (S. Res. 270) designating the week of October 13, 2002, through October 19, 2002, as "National Cystic Fibrosis Awareness Week".

There being no objection, the Senate proceeded to the consideration of the concurrent resolution.

Mr. REID. I ask unanimous consent that the resolution and the preamble be agreed to, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 270) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 270

Whereas cystic fibrosis is one of the most common fatal genetic diseases in the United States and there is no known cure;

Whereas cystic fibrosis, characterized by digestive disorders and chronic lung infections, is a fatal lung disease;

Whereas a total of more than 10,000,000 Americans are unknowing carriers of cystic fibrosis;

Whereas one out of every 3,900 babies in the United States is born with cystic fibrosis;

Whereas approximately 30,000 people in the United States, many of whom are children, have cystic fibrosis;

Whereas the average life expectancy of an individual with cystic fibrosis is 32 years;

Whereas prompt, aggressive treatment of the symptoms of cystic fibrosis can extend the lives of those who have this disease;

Whereas recent advances in cystic fibrosis research have produced promising leads in gene, protein, and drug therapies; and

Whereas education can help inform the public of the symptoms of cystic fibrosis, which will assist in early diagnoses, and increase knowledge and understanding of this disease: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of October 13, 2002 through October 19, 2002, as "National Cystic Fibrosis Awareness Week";

(2) commits to increasing the quality of life for individuals with cystic fibrosis by promoting public knowledge and understanding in a manner that will result in earlier diagnoses, more fund raising efforts for research, and increased levels of support for those with cystic fibrosis and their families; and

(3) requests the President to issue a proclamation calling on the people of the United States to observe the week with appropriate ceremonies and activities.

ORDERS FOR FRIDAY, OCTOBER 4, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m., Friday, October 4; that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of S.J. Res. 45 under the conditions of the previous order, with the time until 11:30 a.m. equally divided and controlled between the two leaders or their designees, with Senators allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, I understand there is no further business to come before the Senate. Therefore, I ask unanimous consent that the Senate stand in adjournment.

There being no objection, the Senate, at 6:25 p.m., adjourned until Friday, October 4, 2002, at 9:30 a.m.

EXTENSIONS OF REMARKS

DEDICATION IN THE MEMORY OF
MARINE CORPS PRIVATE FIRST
CLASS FRANCIS M. FINNERTY,
JR.

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 2002

Mrs. ROUKEMA. Mr. Speaker, I rise today to call the attention of my colleagues to a very special event to be held later this month in Washington Township, New Jersey.

On October 20, 2002, the community of the Township and the Veterans of Foreign Wars Post 6192 will dedicate the intersection of Pascack and Westgate Avenues to one of Bergen County's fallen sons, Marine Corps Private First Class Francis M. Finnerty, Jr. PFC Finnerty, who made the ultimate sacrifice for his country, exemplifies the American values that have made our country great.

PFC Finnerty arrived in Vietnam in August 1967, at the tender age of nineteen. A rifleman, he was the only soldier in his platoon to survive the battle of Hue in February 1968, later surviving almost a month in the mountains of Vietnam. Even before that—only two weeks after his arrival in Vietnam—PFC Finnerty earned a Purple Heart for injuries to his hand and leg suffered when he was wounded by a land mine in Thu Bai.

Later, in an act of pure selflessness, PFC Finnerty elected to remain in Vietnam to fight, even when he became eligible to return to his home in Washington Township. Tragically, only a short time later, PFC Finnerty became the 117th serviceman from Bergen County to give his life for his country, when he was killed in Da Nang.

Mr. Speaker, at a time when our Nation most needs its heroes, PFC Finnerty's selflessness, courage, and dedication to his country should serve as an example to us all. On October 20, 2002, our hearts will go out to PFC Finnerty's family—particularly his parents, Marion and Francis M. Finnerty—who will return to Washington Township as the Township and VFW Post 6192 dedicate one of the Township's streets in his memory.

Mr. Speaker, I ask my colleagues in the House of Representatives to join me in recognizing this solemn occasion, and commemorating the sacrifice made by PFC Francis M. Finnerty, Jr. years ago so that we might all enjoy a more secure freedom today.

TRIBUTE TO EDWIN HEAFEY, JR.

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 2002

Ms. PELOSI. Mr. Speaker, I rise today to pay tribute to a remarkable Californian, who has left an indelible mark on the law and the community through his work in both the courtroom and the classroom.

Edwin Heafey, Jr. was a founding partner of the Oakland-based law firm Crosby, Heafey, Roach and May. With his father, brother and a law school classmate, Edwin Heafey built the firm from eight attorneys to 250 attorneys, and six offices throughout the state of California.

Edwin Heafey was a lawyer's lawyer, among the last of the breed who could rightly claim to be an expert in fields ranging from business law to personal injury law and who had 150 trials under his belt to prove it.

He represented Alameda County in the Oakland Raiders' \$100 million antitrust dispute with the National Football League, and some of his big cases helped shape product liability law in California and across the country. In these cases and others, he was a fierce advocate, but one known for his good humor and courtesy as much as his expertise and tenacity.

His knowledge of the law was as encyclopedic as his respect for it was immense. Edwin literally wrote the book on trial procedure.

As a professor at Boalt Hall law school in Berkeley for 17 years, he helped train the next generation of trial lawyers. As a teacher and, for many, as a mentor long after graduation, Edwin Heafey seeded the California legal community with talented young people steeped in both his knowledge and his uncompromising ethic.

Edwin Heafey held himself to the highest standards and believed that the law—and his law firm—could be a significant force for social as well as legal justice.

The Crosby, Heafey, Roach & May Foundation has made hundreds of thousands of dollars worth of grants to non-profit organizations throughout the San Francisco Bay Area and Southern California. Grant recipients have included such organizations as Second Chance Adult Literacy Program, Los Angeles Youth Conservation Corps and the Lawyers' Committee for Civil Rights.

In addition, every year dozens of Crosby Heafey lawyers provide pro bono legal services totaling thousands of hours. They represent asylum seekers from Central America, Tibet and Haiti and seniors who have been taken advantage of or abused. They help people with AIDS to plan their estates and provide legal representation to low-income people who would otherwise go unrepresented in discrimination cases, landlord-tenant disputes and consumer problems.

The firm Edwin Heafey helped found is unique in another respect. While many big companies preach the virtues of diversity, few actually achieve a truly diverse workforce. Through commitment to the recruitment and retention of minority and women lawyers, the 2002 issue of *Minority Law Journal* ranked Crosby, Heafey, Roach and May as the 10th most diverse of the nation's 250 largest law firms.

For that, and for so much more, the East Bay of California and indeed, the legal community nationwide, has much to be thankful for from Edwin Heafey Jr.

Edwin Heafey succumbed to cancer this summer, leaving behind his beloved wife, Mary, two children, three stepchildren and four much-adored grandchildren.

His family, the closest people to him, gave the best description of him that I can imagine in a card written shortly after their loss.

They called him "fun, a phrase maker, the problem solver. He repaired relationships, created opportunities, built careers."

He was "an enthusiastic scholar, learned educator, builder of a band of mutually devoted companions into a law firm."

He was, in sum, "quite a guy."

I could not agree more.

PERSONAL EXPLANATION

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 2002

Mr. BEREUTER. Mr. Speaker, on rollcall No. 427 & 428 for reasons of official business to release the first annual report of the Congressional-Executive Commission on China.

Had I been present, I would have voted "yea" on the approval of the Journal and on H. Con. Res. 476.

HONORING YALE LEONARD ROSENBERG

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 2002

Mr. BENTSEN. Mr. Speaker, I rise in memory of an accomplished and revered legal scholar, Yale Leonard Rosenberg, who passed away on Sunday, September 22, 2002, at the age of 63. His death is a tremendous loss not only to his wife Irene, but to the University of Houston Law Center community and Houston's Jewish community. As an A.A. White Professor of Law at the University of Houston Law Center, Mr. Rosenberg will be fondly remembered by his students and colleagues as a devoted teacher who inspired those around him with his quiet decency and boundless passion for teaching the law.

Yale Rosenberg, a native Houstonian, was an exceptional individual who exemplified the best of the legal field. At an early age, he demonstrated remarkable academic ability and desire to be involved in the community. In high school, he was named Houston's "Outstanding Jewish Athlete." At Rice University, Yale Rosenberg not only excelled academically, graduating with a degree in Business Administration-Economics, but also and served as the "Grand Aleph Godol," or International President of the B'nai Brith AZA Youth Organization.

Yale Rosenberg's stellar legal career began at New York University Law School and was

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

followed by the prestigious clerkship with the Honorable Judge Oscar H. Davis of the United States Court of Appeals in Washington, D.C. He went on the work at the law firm of Arnold & Porter. Dedicated to public service, he joined the New York Mayor's Task Force on the Constitutional Convention as Legal Advisor in 1966 and served as Assistant United States Attorney in the Southern District of New York from 1967 through 1972.

In 1973, Yale Rosenberg returned to Houston with his wife and legal collaborator Irene Merker Rosenberg to join the faculty of the University of Houston Law Center. By his own account, the years he spent teaching civil procedure, federal jurisdiction, and professional responsibility to aspiring Texas attorneys were incredibly rewarding. Upon receiving the 2000 Teaching Excellence Award at the University of Houston, Professor Rosenberg explained, "The satisfaction of seeing a light come on in a law student's mind—that initial flash of understanding—simply cannot be replicated." His love of teaching was manifest. Yale Rosenberg shared not only his expert knowledge of the law but instilled a respect for the power that our legal institutions and principles play in all our lives. Among Professor Rosenberg's most notable accomplishments in his nearly thirty years of teaching was his development of a Jewish law course. He also made important contributions to jurisprudence in the areas of criminal procedure, constitutional law, and comparative law.

His dedication to the Jewish community was reflected in his long association with the Congregation Young Israel in Houston. Professor Rosenberg opened his home and his heart to his friends and neighbors not only in Houston but from all over the country and world.

Yale Leonard Rosenberg is survived by his loving wife Irene Merker Rosenberg, numerous cousins, vast numbers of friends and students whose lives touched with his uncommon kindness and boundless wisdom.

Mr. Speaker, students and colleagues, as well as friends and family members, mourn the loss of Professor Yale Leonard Rosenberg, but his lasting impact will always remain in their hearts.

IN RECOGNITION OF RUDOLPH
"RUDY" MANZ

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 2002

Mrs. ROUKEMA. Mr. Speaker, I rise today to recognize and congratulate an outstanding member of our community and of New Jersey—Rudolph "Rudy" Manz, who this year completes fifty years of service to the Franklin Lakes Volunteer Fire Department in Franklin Lakes, New Jersey. Rudy is an outstanding example of the type of person who makes Bergen County, our state, and our Nation such a wonderful place. He exemplifies the American values that have made our country great.

The list of Rudy's contributions to the families of Bergen County and New Jersey is innumerable. Rudy joined the Franklin Lakes Volunteer Fire Department on March 3, 1952. In the more than fifty years since, he has served in almost every capacity, from Chief Engineer to Chief of the Department. In 1972, and again

in 1988, Rudy was honored as Firefighter of the Year. He is a thirty-year member of the New Jersey State Fire Chief's Association, and is a Past President, Life Member, and Member of the Board of Trustees of the New Jersey/New York Volunteer Fireman's Association.

Perhaps more amazing, while Rudy has given so much of his time and energy to the Franklin Lakes Volunteer Fire Department for the past half-century, his dedication to service and his community does not end there. Rudy serves as a hospitality minister at the Most Blessed Sacrament Church, has delivered Meals on Wheels to those in need, has been a Charter Member of the Northwest Bergen Mutual Aid Association, and is a life Member of the Veterans of Foreign Wars Post 5702. It is little surprise that in 1996, Rudy was honored as "Volunteer of the Year" in Franklin Lakes.

In recognition of all that Rudy has given, on October 19, 2002, the Franklin Lakes Volunteer Fire Department will honor Rudy with a dinner in tribute recognizing his fifty years of service. Rudy's justified pride in this accomplishments is shared by his wife of fifty-two years, Anna, his four children, and his ten grandchildren. In these times, where America most needs its heroes, Rudolph "Rudy" Manz should serve as an inspiration and example to all.

Mr. Speaker, I ask my colleagues in the House of Representatives to join me in congratulating Rudy Manz on his fifty years of dedicated service to the Franklin Lakes Volunteer Fire Department, and saluting the countless contributions he has made to the lives of so many residents of New Jersey.

CHIEF JUDGE MICHAEL
SKWIERAWSKI, "POLISH AMERICAN OF THE YEAR"

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 2002

Mr. KLECZKA. Mr. Speaker, on Friday, October 11, 2002, the Milwaukee Society will be honoring the Chief Judge of Wisconsin's First Judicial District, the Honorable Michael J. Skwierawski at its annual Pulaski Day banquet.

Judge Skwierawski has served as a Circuit Court Judge since 1979, and as Chief Judge since 1998. In addition to several other judicial activities, Judge Skwierawski also teaches for the Wisconsin State Bar Association, the Wisconsin Judicial College and the National Judicial College.

Despite his busy professional schedule, Judge Skwierawski finds time to be active in the community. He has coached softball and served on various committees at St. Sebastian's Parish, was board member and consultant for a non-profit group that operates group homes for adolescents, and volunteers at St. Francis Hospital during the Christmas holidays.

But it is also his hard work and dedication within the Polish community in Milwaukee that makes him such a wonderful choice for Polish American of the Year. It was under Judge Skwierawski's leadership and vision as President of the Polish Heritage Alliance that the

longstanding dream of a Polish Center in Wisconsin became a reality. This beautiful traditional Polish country manor design facility has become a gathering place for people of Polish heritage, and a source of great pride for Milwaukee's Polish community.

Judge Skwierawski has been a member of the Polish National Alliance since 1978 and has been active in a number of committees and projects, including the annual PolishFest weekend at Milwaukee's lakefront. On occasion, the judge even shares his considerable musical talents for a good cause, and in his "spare" time he can be heard performing as lead singer for the Rock 'n' Roll band, "Presumed Guilty."

It's with great pleasure that I join with the judge's wife Gloria, his children Andrea, Jenny, Meg and Andy, his many colleagues and friends in offering well deserved congratulations to Chief Judge Michael Skwierawski, 2002 Polish American of the Year.

IN MEMORY OF BILL STEVICK

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 2002

Mr. SKELTON. Mr. Speaker, it is with deep sadness that I inform the House of the death of Mr. Bill Stevick of Harrisonville, MO.

Mr. Stevick was born in Topeka, KS, on June 8, 1920, son of James Floyd and Vera May (Maze) Stevick. He attended Springfield Missouri High School and received his law degree from Washburn University, Topeka, KS, in 1950.

Mr. Stevick served in the U.S. Army during World War II both in Italy and North Africa under General George Patton receiving both the Silver Star and Purple Heart. He attended the U.S. Army Command and Staff College at Fort Leavenworth and was a graduate of the Industrial College of the Armed Forces. He was called back to active duty in 1951 as a Major during the Korean War and served in Virginia as a training officer. He retired from the Army Reserves as a Lieutenant Colonel.

Along with his distinguished military career, Bill was a member of the Delta Theta Phi legal fraternity and practiced law for over 50 years. In the 1950's he was Director of Vital Statistics and Records for the State of Kansas, served as a general counsel for the State of Kansas and was appointed Workers Compensation Commissioner of Kansas. He was elected as Lee's Summit Municipal Judge in 1962 and worked in public relations for the former AT&T Company in Lee's Summit, retiring with over 25 years of service.

Mr. Stevick was commander of the Topeka chapter of the Military Order of the World Wars, a life member of the Veterans of Foreign Wars, Harrisonville, the American Legion, Harrisonville, Gideons International, the National Rifle Association, the Cass County Historical Society, Telephone Pioneers, and the Missouri and Kansas Bar Associations. Bill was an active member of the Harrisonville United Methodist Church, where he served as lay speaker for many years, as well as an impersonator of John Wesley, founder of the Methodist Church. He was also a well-known impersonator of Mark Twain. Bill was a longtime Scoutmaster, an Eagle Scout and member of the Tribe of Mic-O-Say. He was active

in the Harrisonville community affairs in the 28 years he lived there.

Mr. Speaker, Mr. Bill Stevick distinguished himself as a soldier for his country, a dedicated community leader and a wonderful family man. He was indeed a role model for all young people who were graced by his presence. I know the members of the House will join me in extending heartfelt condolences to his family: his wife, Lois; his three sons Jim, Ron, and Craig; his daughter Jacque; his four stepdaughters, Joy, Meyra, Cheri, and Fran; 19 grandchildren; and 36 great-grandchildren.

TRIBUTE TO DR. GEORGE E.
LINDSAY

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 2002

Ms. PELOSI. Mr. Speaker, I rise today in honor of Dr. George E. Lindsay, who helped generations of Californians to appreciate the splendor and the mystery of their natural world.

Dr. Lindsay died this summer at 85 years old.

Dr. Lindsay held many titles throughout his long and notable career. He was a highly decorated World War II veteran, a botanist and biologist. He was an expert on the natural life of Baja, California, on succulent plants and on dolphins and whales of the Pacific Ocean.

More formally, he was the director of San Diego Museum of Natural History, and, from 1963 to 1982, the executive director of the California Academy of Sciences.

But I think the title he would most appreciate would be one that does not appear on his resume. First and foremost, George Lindsay was a teacher.

His method of instruction was indirect, but far-reaching. The goal of his lessons was to impart not only knowledge, but respect for our natural heritage and a commitment to conservation and stewardship.

Under his watch, the Academy of Sciences, which is located in San Francisco's beautiful Golden Gate Park, grew into one of the largest natural history museums in the world, known for its enthralling and informative exhibits.

Among his many projects was the renowned fish roundabout, which since 1977 has fascinated and amazed visiting children by bringing them as close as humanly possible to the strange and wonderful world of the ocean.

As head of the Academy, he oversaw the creation of the dramatic entranceway, in which visitors are greeted by a massive dinosaur skeleton. And with his wife, Geraldine, he launched a docent program that offered members of the community in-depth lessons in natural history which they then passed on to others as museum guides.

Perhaps Dr. Lindsay's greatest lesson was taught to Charles Lindbergh, the famed flyer who joined him and other naturalists on a scientific expedition to the Islands of the Sea of Corté in 1973.

Lindbergh was already a committed naturalist by that time, and he was overwhelmed by the beauty and fragility of the islands Lindsay showed him.

Lindbergh then used his immense fame and popularity to spread the word and develop-

ment of awareness of the need to protect the islands of the Sea of Corté and the Pacific Islands of Mexico and California.

Four years after Lindbergh's death, a decree was issued protecting all of the islands of the Gulf of California.

Dr. Lindsay has credited Lindbergh's intervention for that move, which saved the immense natural beauty of the Sea of Corté from destruction and development.

And certainly some credit is due. But a great teacher stands behind every great student. On that trip, more than 30 years ago, George Lindsay did for Charles Lindbergh what he has done for millions of visitors to the magical city of San Francisco. He opened a student's eyes to the world around us.

RECOGNIZING THE BERGEN COUNTY
FIRE PREVENTION AND PROTECTION
ASSOCIATION

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 2002

Mrs. ROUKEMA. Mr. Speaker, I rise today to call the attention of my colleagues to a very special and distinguished service organization in my own Fifth District, the Bergen County Fire Prevention and Protection Association.

The BCFPPA is comprised of fire protection and prevention professionals from all of the townships, boroughs, and cities in Bergen County. BCFPPA serves northern New Jersey both by promoting and improving methods of fire prevention and by educating the public as to fire prevention and safety. Since 1966, the BCFPPA has worked to bring these messages to the public, elected officials, schools, and youth of northern New Jersey.

At the same time BCFPPA has worked to educate the public, it has served as a resource and clearinghouse for professional information critical to all fire safety professionals, as well as public officials and the New Jersey State Fire Commission. Indeed, it is no understatement to say that the work that BCFPPA has done in advancing both the science and public awareness of fire safety and fire prevention has saved countless lives, and prevented immeasurable loss to the destruction of property.

Mr. Speaker, at a time when our Nation most needs its heroes, the members of the BCFPPA are the day-to-day sort of heroes that we all should honor. The selfless good work of BCFPPA's members is an outstanding example of the values that make Bergen County, our State, and our Nation such a wonderful place.

Mr. Speaker, I ask my colleagues in the House of Representatives to join me in recognizing and congratulating the Bergen County Fire Prevention and Protection Association for their years of valuable contribution to the community, and expressing my sincere best wishes for their continued success and good work.

HOUSES OF WORSHIP POLITICAL
SPEECH PROTECTION ACT

SPEECH OF

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2001

Mr. WAXMAN. Mr. Speaker, I rise in strong opposition to H.R. 2357, which would change the tax code to allow religious non-profit organizations to engage in political activity, use tax-exempt contributions for political purposes, and enable religious leaders to endorse candidates from their pulpit.

This legislation is a serious mistake and would be a grave violation of the constitutional separation between church and state.

The real purpose of the bill appears to be helping special interest groups circumvent campaign finance laws by channeling fundraising, contribution, and endorsement activity through religious organizations. We all know that charitable, tax-deductible donations are easier to raise than political contributions. And religious non-profits are the only institutions that do not have to publicly file annual IRS tax reports.

If this ill-conceived bill became law, congregants may have to begin checking the political leanings of their rabbi or preacher before joining congregations. Is that what we want? Do we want annual membership dues ending up in campaign coffers? Are we so greedy for campaign cash that we're willing to violate sacred houses of worship and threaten the integrity of religion?

I'm, not ready for that. Under existing law, religious leaders already have tremendous latitude in their ability to discuss political issues. Religious institutions can even set up affiliate organizations to raise non-deductible funds for political activity, that rightfully must be reported to the IRS and publicly disclosed. That is why the National Council of Churches has called this bill "unnecessary, unwise and unwanted."

I urge my colleagues to reject H.R. 2357. It would only promote abuse of campaign finance laws, abuse of the tax code, and abuse of our nation's founding principle of religious freedom.

HONORING JOSEPH EDWARD
GALLO'S FAMILY

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 2002

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Joseph Edward Gallo and his family for their major contribution to the University of California, Merced. The family's presentation of a \$2 million gift to the campus will lead to the naming of the new recreation and wellness facility as the Joseph Edward Gallo Recreation and Wellness Center.

UC Merced Chancellor Carol Tomlinson-Keasey announced the name of the facility in recognition of the endowment and Joseph Gallo's legacy of leadership. Planned as an innovative, state-of-the-art facility, the Joseph Edward Gallo Recreation and Wellness Center will be a blending of wellness services and

recreational activities in one central location. The goal is to encourage collaboration, joint programming, and the synergies that would naturally come from a focus on athletic and health-related issues.

A living legend in California's dairy industry, Joseph Gallo, founder of Atwater-based Joseph Gallo Farms, began his lifelong devotion to agriculture as a child working in the Gallo family vineyards. He first began his own business 56 years ago, when he acquired and started developing land to grow grapes, later diversifying into other crops and raising heifers. Launched in 1979 with 4,000 cows, the Joseph Gallo dairy has grown to more than 37,000 head of cattle on five dairies. Successful Farming magazine cited Joseph Gallo Farms as the nation's largest dairy farm in 1995. Among the other honors Joseph Gallo Farms has received are the Baker, Peterson, and Franklin Agri-Business of the Year and the Fresno Bee Central California Excellence in Business for Agriculture award.

Mr. Speaker, I rise today to congratulate Joseph Edward Gallo and his family for their continued dedication to improving the Central Valley. I urge my colleagues to join me in thanking Joseph Gallo and his family for their outstanding service to the community and wishing them continued success in all future endeavors.

ZYGMUNT SZCZESNY FELINSKI

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 2002

Mr. SCHAFFER. Mr. Speaker, on August 18, 2002, Pope John Paul II beatified the founder of Russian Catholicism Zygmunt Szczesny Felinski (1822–1895). Bl. Zygmunt Felinski was Archbishop of Warsaw and Founder of the Franciscan Sisters of the family of Mary. He was born on November 1, 1822 in Wojutyn in Volinia in present-day Ukraine.

As Co-Chairman of the Congressional Ukrainian Caucus, I call the attention of the House to the life of Archbishop Felinski—a man whose example of courage, perseverance and faith provides heroic encouragement to all of us who desire freedom and liberty.

Mr. Speaker, according to the Vatican, Felinski, Archbishop of Warsaw for 16 months, spent 20 years in exile in Siberia, spent 12 years in semi-exile as Archbishop of Tarsus and parish priest in the county. He died in Kraków, which then belonged to Austria, on 17 September 1895. Indeed, he spent 58 of his 73 years in territory that belong to the Russian Empire.

A Vatican biography describes him as follows: he is venerated as Shepherd in exile, an apostle of national harmony and unity in the spirit of the Gospel, a model of priestly dedication. As Archbishop of Warsaw and founder of a religious congregation, he exercised his duties and role as "Good Shepherd" with great strength, love and courage, always keeping careful watch over himself. "I am convinced that by keeping my heart uncontaminated, living in faith and in fraternal love towards my neighbor, I will not go off the path. These are my only treasures and are without price," he wrote.

The third of six children, of whom two died at an early age, he was brought up with faith and trust in Divine Providence, love for the Church and Polish culture. When Zygmunt was 11 years old his father died. Five years later, in 1838, his mother was arrested by the Russians and sent into exile in Siberia for her involvement in patriotic activity. Her patriotic activity was working for the improvement of the social and economic conditions of the farmers.

Zygmunt was well educated. After completing high school, he studied mathematics at the University of Moscow from 1840–1844. In 1847 he went to Paris, where he studied French Literature at the Sorbonne and the Collège de France. He knew all the important figures of the Polish emigration. He was a friend of the nationalist poet Juliusz Slowacki who died after the revolt of Poznan. In 1848, he took part in the revolt of Poznan which failed. From 1848–50 he was tutor to the sons of Eliza and Zenon Brzozowski in Munich and Paris. In 1851 he returned to Poland and entered the diocesan seminary of Zytomierz. He studied at the Catholic Academy of St. Petersburg until 1857, when the bishop appointed him spiritual director of the Ecclesiastical Academy and professor of philosophy. In 1856 he founded the charitable organization "Recovery for the Poor" and in 1857 he founded the Congregation of the Franciscan Sisters of the family of Mary.

On 6 January 1862, Pope Pius IX appointed Zygmunt Felinski Archbishop of Warsaw. On 26 January 1862 Archbishop Zylinski consecrated him in St Petersburg. On 31 January he left for Warsaw where he arrived on 9 February 1862. The Russians brutally suppressed the Polish uprising against Russian in Warsaw in 1861 creating a state of siege. In response to the harsh measures of the Russians, the ecclesial authorities closed all the churches for four months. On 13 February 1862, the new Archbishop reconsecrate the cathedral of Warsaw; the Russian Army had profaned it on 15 October 1861. On 16 February he opened all of the churches in the city with the solemn celebration of the Forty Hours Exposition of the Blessed Sacrament.

Zygmunt Felinski was Archbishop of Warsaw for 16 months, from 9 February 1862 to 14 June 1863. Times were difficult since there were daily clashes between the occupying Russian power and the Nationalist Party. Unfortunately, he was met by an atmosphere of distrust on the part of some citizens and even clergy, since the Russian government deceived them into thinking that he was secretly collaborating with the government. The Archbishop always made it clear that he was only at the service of the Church. He also worked for the systematic elimination of governmental interference in the internal affairs of the Church. He reformed the diocese by making regular visits to the parishes and to the charitable organizations within the diocese so that he could better understand and meet their needs. He reformed the programs of study at the Ecclesiastical Academy of Warsaw and in the diocesan seminaries, giving new impetus to the spiritual and intellectual development of the clergy. He made every effort to free the imprisoned priests. He encouraged them to proclaim the Gospel openly, to catechize their parishioners, to begin parochial schools and to take care that they raise a new generation that would be sober, devout and honest. He looked

after the poor and orphans, starting an orphanage in Warsaw, which he entrusted to the Sisters of the Family of Mary.

In political action he tried to prevent the nation from rushing headlong into a rash and inconsiderate position. As a sign of his own protest against the bloody repression by the Russians of the "January Revolt" of 1863, Archbishop Felinski resigned from the Council of State and on 15 March 1863 wrote a letter to the Emperor Alexander II, urging him to put an end to the violence. He likewise protested against the hanging of the Capuchin Fr. Agrypin Konarski, chaplain of the "rebels". His courage and interventions quickly brought about his exile by Alexander II.

In fact, on 14 June 1863, he was deported from Warsaw to Jaroslavl, in Siberia, where he spent the next 20 years deprived by the Czar of any contact with Warsaw. He found a way to organize works of mercy to help his fellow prisoners and especially the priests. Despite the restrictions of the Russian police, he managed to collect funds to build a Catholic Church, which later became a parish. The people were struck by his spiritual attitude and eventually began calling him the "holy Polish bishop".

In 1883, following negotiations between the Holy See and Russia, Archbishop Felinski was freed and on 15 March 1883, Pope Leo XIII transferred him from the See of Warsaw to the titular See of Tarsus. For the last 12 years of his life he lived in semi-exile, in southeastern Galizia at Dzwiniaczka, among the crop farmers of Polish and Ukrainian background. As chaplain of the public chapel of the manor house of the Counts Keszycy and Koziembrodzki, he launched an intense pastoral activity. Out of his own pocket, he set up in the village the first school and a kindergarten. He built a church and convent for the Franciscan Sisters of the Family of Mary.

In his leisure, he prepared for publication the works he had written during his exile in Jaroslavl. Here are some of them: Spiritual Conferences, Faith and Atheism in the search for happiness, Conferences on Vocation, Under the Guidance of Providence, Social Commitments in view of Christian Wisdom and Atheism; Memories (three editions).

He died in Kraków on 17 September 1895 and was buried in Kraków on 20 September. Later he was buried at Dzwiniaczka (10 October 1895). In 1920 his remains were translated to Warsaw where, on 14 April 1921, they were solemnly interred in the crypt of the Cathedral of St. John where they are now venerated.

Mr. Speaker, the beatification of Zygmunt Felinski is significant for us to consider during the difficult period in which we find ourselves today. Clearly, America's desire to secure freedom and liberty for our neighbors and ourselves must coincide with a sincere commitment to provide aid, comfort and charity to the poor and oppressed of the world.

Upon the Holy Mass and Beatification, Pope John Paul II suggested to the world the suitability of Zygmunt Felinski as an inspiration to persevere in service to the poor. He stressed the importance of establishing educational institutions, orphanages and political activism for the cause of freedom.

The pope said, "inspired by this spirit of social charity, Archbishop Felinski gave himself fully in defending the freedom of the nation. This is necessary today also, when different

forces—often under the guidance of a false ideology of freedom—try to take over this land. When the noisy propaganda of liberalism, of freedom without truth or responsibility, grows stronger in our country too, the Shepherds of the Church cannot fail to proclaim the one fail-proof philosophy of freedom, which is the truth of the Cross of Christ. This philosophy of freedom finds full motivation in the history of our nation.”

Mr. Speaker, I know the hearts of America's Polish, Ukrainian and Russian immigrants swelled with pride upon the beatification of Archbishop Felinski. Likewise, the faithful of Poland, Ukraine, and Russia, through his ministry, have been truly blessed. His remarkable life brought the Gospel to the most inhospitable reaches of Eastern Europe and he delivered the word of salvation to thousands whose lives were inspired by his exemplary devotion. Indeed, we are all inspired today.

As the son of a Ukrainian immigrant, I am honored to deliver these remarks today as a Member of the U.S. Congress that we may all find encouragement and reassurance in the unyielding love of the Almighty as is intended by the beatification of Archbishop Zygmunt Szczesny Felinski.

LEACH-LAFALCE INTERNET GAMBLING ENFORCEMENT ACT

SPEECH OF

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. CASTLE. Mr. Speaker, I rise today to acknowledge some of the improvements that have been made to H.R. 556 since it was reported out of the House Financial Services Committee earlier this year. I also want to express my continued concerns about some remaining problems with the bill that I hope will be resolved as this bill moves through the Senate and is ultimately reconciled with the House language.

There is no doubt that illegal internet gambling is a serious issue that merits effective solutions. Today, it is much too easy for children to use their parents' credit cards to gamble on the internet creating financial burdens for the family. My concerns about this legislation should not be interpreted by anyone to mean I have a diminished concern for the seriousness of this problem. To the contrary, I want Congress to enact solutions that are truly effective and that will not exacerbate the problem.

My first concern is that this legislation will fracture the unity so essential to regulating the financial services industry. Provisions in this bill that grant the US Attorney General and State Attorney Generals the authority to seek injunctions from the courts against financial institutions that may be having their payment systems manipulated to transact illegal internet gambling will result in 50 different rules for what is necessary for a financial institution to comply with this law. This lack of uniformity will create a disruptive and confusing patchwork of rules that will take resources away from what is needed to solve this problem. Instead, I believe this bill should strike the injunctive section and retain the section that allows the banking regulators to establish regu-

lations for the types of quality control systems financial institutions should have in place to guard against internet gambling. This regulatory section was a vast improvement to the bill reported out of the House Financial Services Committee earlier this year.

According to a recent interim study by the independent U.S. Government Accounting Office (GAO), currently, financial institutions are estimated to be stopping eighty percent of internet gambling transactions using their current internal policies against internet gambling. Banking regulators would have the ability to gather information about which policies are the most effective and promulgate rules for the industry to further increase the success rate of blocking illegal internet gambling transactions. This type of regulatory expertise will not be available to 50 different state judges who have full court dockets and will not likely have the time to fashion an effective and efficient injunctive remedy.

My second concern is that this legislation may exacerbate the extent to which internet gambling is used as a money laundering tool. The interim GAO study reported that using credit cards for money laundering transactions carried high risks for criminals due to the record-keeping in these transactions and the transaction limits on these cards. Unfortunately, e-cash transactions do not present these same risks so this bill could serve as a roadmap for criminals to money launder through e-cash.

Mr. Speaker, as the 107th Congress draws to a close, this legislation is unlikely to be considered by the Senate in time to reach consensus and be delivered to the President for signature. Therefore, should the House consider this legislation again in the next Congress, my hope is that the bill supporters will be open to changes. The GAO is scheduled to complete its report on this issue in November 2002. I am hopeful that its final report will provide some direction to Congress on a better way to address the serious problem of internet gambling.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE PATSY T. MINK, MEMBER OF CONGRESS FROM THE STATE OF HAWAII

SPEECH OF

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. McKEON. Mr. Speaker, the death of Representative PATSY MINK comes as great sorrow not only to her family, friends and constituents, but also to the U.S. Congress as well will long feel the loss of one of our most passionate members.

I had the privilege of working with PATSY on the House Education and the Workforce Committee recently in her role as the ranking member of the 21st Century Competitiveness Subcommittee, which I chair. She always presented her views with a rare combination of elegance, conviction and passion.

As the first woman of color elected to Congress and the first Asian-American woman to practice law in Hawaii, PATSY was a trailblazer and a role model to young women across the nation.

While PATSY has a long list of accomplishments, female college students in America will forever be heirs to the legacy of Title IX, which she was integral in passing. Title IX prohibits gender discrimination at any education institution receiving federal funds.

I am deeply saddened by this news of my friend and I offer sincere condolences to her family.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE PATSY T. MINK, MEMBER OF CONGRESS FROM THE STATE OF HAWAII

SPEECH OF

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. BOEHNER. Mr. Speaker, last weekend, the members of our committee lost a friend and colleague. The people of Hawaii lost a strong and trusted voice. And the people of our country lost a leader.

PATSY MINK was a vibrant, passionate, and effective voice for the principles she believed in. She spent most of her life serving her beloved state of Hawaii and the people of the United States. Her service to the nation as a member of this House came in two chapters: she first served here from January 1965 to January 1977; then she returned more than a decade later, in 1990, to resume her work on behalf of her constituents.

I was elected to the House that same year—1990. As incoming members of the Education and the Workforce Committee, we didn't see eye to eye on many issues. Our committee was the scene of some of the nastiest partisan sparring in the House, and there wasn't a lot of communication between members from different parties.

Over the years, I went up against PATSY directly several times, on the issue of the Native Hawaiian Education Programs and Hawaii's Bishop Estate Trust. I won't mince words: I lost—each and every time. During those debates I learned first-hand what a fierce advocate she could be. Take it from me: when PATSY MINK decided she was going to fight for something, it wasn't much fun being on the receiving end.

As I mentioned, there wasn't much opportunity to get to know PATSY when I first joined our committee in the early 1990s. But our committee is a different place than it was 10 years ago. And on days like today, it's a little bit easier to understand why that's so important. Republicans on our committee eventually got the opportunity to not only know PATSY MINK, but to work with her side-by-side on issues like education reform. I know I speak for all the Republican members of our committee when I say I'm sincerely grateful we got that chance.

PATSY MINK's passionate commitment to the issues she believed in gave our committee a spark that will not be easily replaced. Many of the bills we've moved in the last year and a half bear her unmistakable imprint. As ranking member of the subcommittee on 21st Century Competitiveness, PATSY played a key role in passing the No Child Left Behind Act, the bipartisan education bill signed in January by

President Bush. And this year, she worked closely with the gentleman from California, Mr. McKEON, on legislation to reduce federal red tape in higher education.

I'm truly disappointed we won't have the chance to continue this partnership with PATSY. We'll never know exactly where it might have led, or the things that might have been accomplished. But I do know one thing. I'm very grateful for the chance to have served with her, and to have worked alongside her to achieve some of the goals for which she strived.

PATSY MINK's passing is a significant loss for our committee, the people of Hawaii, and the people of the United States. I offer my sincere condolences to her family and constituents. She will be greatly missed.

HOUSES OF WORSHIP POLITICAL SPEECH PROTECTION ACT

SPEECH OF

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. LATHAM. Mr. Speaker, I rise today to announce my intention to vote against H.R. 2357, the Houses of Worship Political Speech Protection Act.

I firmly support the base principle of this legislation—reinforcing the right of freedom of speech to America's religious leaders without fear of losing their tax-exempt status. However, I cannot support this legislation because it does not address the issue of political contributions and fundraising by or within the church.

Under this bill churches can maintain their tax exempt status while engaging in political activity such as endorsements, issue advertisements, and get-out-the-vote efforts. Most egregiously, under this bill churches will become involved with partisan fundraising while allowing for tax deductible and tax-exempt status for the church and congregation.

The abuse by political parties and partisan groups and individuals of so many American institutions when it comes to political activity should not be allowed to cross the doorway into America's houses of worship. Politics is not the purpose of our places of worship.

I have been informed that 77 percent of clergy and over two-dozen religious groups have announced their opposition to this bill.

While I do believe that the primary intentions of the bill were well meant, I cannot support it in this form.

INDIAN COMPANIES SELLING MILITARY MATERIALS TO IRAQ

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 2002

Mr. BURTON of Indiana. Mr. Speaker, just as we are about to go to war with Iraq, supposedly democratic India is propping up that brutal dictatorship.

According to an article in the September 25 issue of the *Times of India* by Rashmee Z. Ahmed, Iraq possesses some of the deadliest

weapons of mass destructions and missile infrastructures thanks to the illicit help of Indian companies. One such company, NEC Engineers Private Limited, has "extensive links in Iraq," according to the article. Although such transactions violate India's export control laws, they are apparently taking place with a wink and a nod from the Indian government. Earlier I exposed India's oil transactions with Iraq, which violates UN sanctions.

In spite of this, according to the September 18 issue of the *Times of India*, the United States and India are conducting joint naval exercises.

On January 2, the *Washington Times* exposed the fact that India is sponsoring cross-border terrorism in the province of Sindh in Pakistan. India's leading newsmagazine, *India Today*, reported that India created the Liberation Tigers of Tamil Eelam (LTTE), which the United States government calls a "terrorist organization." The U.S. State Department reported that the Indian government paid 41,000 cash bounties to police officers for killing Sikhs. According to the Indian newspaper *Hitavada*, the late governor of Punjab, Surendra Nath, received \$1.5 billion from the Indian government to foment terrorism in Punjab and Kashmir. The book *Soft Target* shows that the Indian government blew up its own airliner in 1985 to blame Sikhs. This has been discussed many times.

If India is practicing and sponsoring terrorism and helping to build Saddam Hussein's war machine, why are we conducting joint naval exercises with India? Isn't this like conducting joint exercises with the enemy? I call on the Defense Department to call off these exercises.

Mr. Speaker, we can help bring freedom to South Asia and end India's flirtation with terrorist enemies of the United States. The time has come to impose sanctions on India, cut off its aid, and openly declare our support for self-determination for all the people of the subcontinent. This is the best way to help see to it that everyone in that troubled region can live in freedom, dignity, prosperity, stability, and peace.

I am inserting the articles from the *Times of India* into the RECORD.

[From the Times of India, Sept. 25, 2002]

INDIAN FIRMS ARMING IRAQ, SAYS UK

(By Rashmee Z. Ahmed)

LONDON: Britain has alleged that Saddam Hussein's Iraq is able and willing to deploy some of its deadliest weapons of mass destruction in under one hour from the order being given and that it possesses missile infrastructure produced with the illicit help of Indian companies.

The British claims of Indian involvement are contained in a 55-page dossier controversially and uniquely published by Tony Blair on Tuesday on the basis of what he called "unprecedented and secret" intelligence information.

The dossier, received by largely skeptical political, press and public opinion here, tries to make a case for a Gulf War II-type operation to disarm Saddam and "regime change". Repeating US and UK claims that Baghdad continues to improve its missile capability, the dossier names names when it comes to alleged Indian support for Iraqi missile production.

The document, which only obliquely blames "Africa" for supplying uranium to Saddam's secret nuclear weapons programme, pinpoints India as part of the sup-

ply chain for banned propellant chemicals destined for ballistic missiles. One of these, ammonium perchlorate, the dossier says, was "illicitly" provided by an Indian company, NEC Engineers Private Limited, which had "extensive links in Iraq", particularly to its al-Mamoun missile production plant and Fallujah 2 chlorine plant.

Analysts added that in an intriguing insight, the dossier appeared to indicate that much of this had been known to New Delhi for some time.

"(The) Indian authorities recently suspended its (the company's) export license" after "an extensive investigation", the dossier says, "although other individuals and companies are still illicitly procuring for Iraq".

In what defense experts suggested was yet another indication of a host of "front companies" in India and elsewhere, the dossier further says the machine tools and raw materials supply chain crucially remains in place for Iraq's al-Samoud and longer-range missile systems.

Even as Iraq refuted the dossier's claims as "totally baseless" and a "Zionist campaign", Blair went before a heated emergency session of the British parliament to declare, "regime change would be a wonderful thing".

Blair's dossier, which precedes Washington's promised evidence on Iraq, was greeted by boredom and yawns among sections of the pundits and politicians, who said it crucially lacked the so-called killer fact.

Commentators said the dossier, which Blair described as primarily for the British people, may do little to persuade opinion further afield, notably India. India has long said that it is opposed to military intervention in Iraq and that "regime change" is an issue for the Iraqi people.

INDIAN DIPLOMATS REACT

Responding to the allegations in Blair's dossier, Navdeep Suri, spokesman for the Indian High Commission confirmed that the case against the company, NEC, had been charged and the matter was currently sub-judice.

He said, "such actions are in violation of India's export control laws and whenever such a violation comes to the government's attention, firm action is taken". He declined to comment on what he called "speculative statements" about "other (Indian) individuals and companies" continuing to procure illicit material for Iraq.

[From the Hindustan Times, Sept. 23, 2002]

LABOUR MP STOKES KHALISTAN FIRE IN
BRITAIN

(By Sanjay Suri)

WOLVERHAMPTON, September 23.—A senior ruling Labour Party MP has supported a demand for a separate Sikh state of Khalistan if the move is made "peacefully and democratically".

Rob Marris, Labour MP, expressed his support at a meeting organized by a pro-Khalistan group in a gurdwara in Wolverhampton Sunday.

At the same meeting a senior shadow minister of the Conservative Party expressed support for Sikhs in Britain to register themselves as Sikhs and not Indians.

Rob Marris, who is treasurer of the All Party Panjabis in Britain Parliamentary Group, expressed strong support for the Sikh Agenda that the Sikh Secretariat has produced. The agenda calls for Sikhs to be registered as separate from Indians in Britain, and calls for self-determination in Punjab.

Marris addressed specifically the demand for Khalistan raised at the meeting. "That is an issue dear to your hearts I can see by looking down the hall. Those in the Indian

subcontinent, who peacefully and democratically push for self-determination for that part of the Indian subcontinent, their opinion for self-determination, their right for an independent Khalistan should not be suppressed."

The comment was followed by loud cries of Khalistan zindabad.

Marris said it would not be right for parties in Britain to decide whether there should be self-determination in that part of the subcontinent. "But it would be right for people to democratically and peacefully express their opinions."

A senior shadow minister of the Conservative Party declared at the meeting of Khalistanis Sunday that the Conservatives will give Sikhs the option to register as Sikhs and not Indians when the party comes to power.

The announcement follows backing to the Khalistanis' demand by two senior shadow ministers of the Conservative Party earlier. The developments at the meeting Sunday mark rapid strides the Khalistani group has made in Britain in recent weeks. There has been little evidence of support for the Khalistanis among Sikhs, but strong Conservative Party backing to this group pursuing what they call the "Sikh agenda" has given them new prominence.

The Sikh Secretariat, which organised the meeting in Wolverhampton, had said 10,000 would attend. Only a few hundred came, most of them brought in coachloads from London and Southampton.

Caroline Spelman, shadow cabinet minister for international development and women's affairs, told the meeting that the Sikhs are a distinctive group, "and yet we have very little idea how many Sikhs there are".

Spelman said: "At best that is discourteous, at worst it deprives you of proper monitoring of what your needs are."

She said it was "extraordinary" that an opportunity to find out had been missed in the 2001 census.

She said the Labour government should monitor Sikhs separately and "if they fail, then that will be a task for a Conservative administration to deliver on".

The move is politically loaded. It would give Sikhs the option to declare themselves Sikhs and not Indians. It would mean that the estimated 1.2 million Indian population in Britain could fall to about half of that on the records.

Marris supported the demand for separate listing of Sikhs in Britain. He said there would be many opportunities to do so before the 2011 census.

Amrik Singh Gill, who heads the group that called the meeting, said Khalistan "is the only way out" for Sikhs and that "we will get our own rule". Posters of separatist leader Bhindranwale lined the walls of the hall where the meeting was held.

RECOGNIZING THE DEVASTATING IMPACT OF FRAGILE X

SPEECH OF

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. DELAHUNT. Mr. Speaker, A few years ago, a friend from the South Shore of Boston told me about his son who for years had struggled to overcome the deficits associated with a disease called "Fragile X." Like most Americans, I had never heard of this disorder.

I soon learned that Fragile X is the most common inherited cause of mental retardation. About one in 260 women is a carrier of the disease, and it affects one in 2,000 boys and one in 4,000 girls. Despite this high incidence rate, Fragile X is relatively unknown even within the medical profession. It is easily identified by a simple blood test, yet families often struggle for months, even years, searching for explanations for alarming developmental delays and behavioral problems associated with Fragile X. There are some common physical signs, such as large ears, long faces and flat feet, but half of all Fragile X children do not exhibit these characteristics. Other symptoms are less tangible, including hyperactivity, attention deficits, severe anxiety and violent seizures, making diagnosis difficult. As a result, it is estimated that over 80 percent of children with Fragile X are currently undiagnosed or misdiagnosed.

It is fitting that we gather today to consider a resolution recognizing National Fragile X Research Day, and the urgency of the need for increased funding for Fragile X research. Two years ago this week, Congress enacted another bill I co-authored with Congressman WATKINS, the Fragile X Research Breakthrough Act, as part of the Children's Health Act of 2000. This law directed an arm of the NIH to expand and coordinate research on Fragile X, and authorized the establishment of at least three Fragile X research centers.

I am pleased to report significant progress toward implementing these provisions. Early this year, the Institute began accepting applications for the Fragile X research centers, which may be ready to open their doors by this spring.

Thanks to this federal commitment, many prominent scientists have undertaken Fragile X research projects—rapidly accelerating progress and leading to new breakthroughs about its cause. In a series of landmark discoveries, researchers have identified the set of genes which are normally regulated by the Fragile X gene. Scientists are also now pursuing promising drug therapies for Fragile X as new evidence has shown that this type of defect can be blocked by relatively simple medications.

These new discoveries may not only lead to treatments for Fragile X, but also have uncovered striking connections between Fragile X and other neurological and psychiatric disorders—with implications for autism, pervasive development disorder, Rett Syndrome, Alzheimer's, schizophrenia, obsessive-compulsive disorder, Tourette's Syndrome, and numerous other disorders.

All this holds great promise for the development of safe and effective treatments, but there's a great deal more to do.

Among the thousands of Fragile X families across the country are your constituents and mine. And their experiences are likely similar to Patricia Crouse of Chatham, Massachusetts who wrote to me about her grandson: "After searching for several months and spending a small fortune in doctor bills, my son and daughter-in-law finally found that the cause of their son's development delay is Fragile X. This is apparently just the beginning of a lifetime of special needs he will have unless the researchers can discover a cure or treatment."

Or Blaine and Suzanne Smoller of Brewster, Massachusetts whose son Devin was diagnosed with Fragile X as a toddler. Devin is a

bright and happy 12 year old—he is also easily distracted, prone to mood swings and hyperactivity, and has difficulty comprehending conceptual issues. Ensuring Devin receives the education and life skills needed to reach his full potential is a full time job—but because of the lack of understanding of Fragile X, the Smollers have also spent much of the last decade educating themselves, teachers, other parents, and friends about Devin's disorder.

Awareness and early diagnosis is critical to effective therapy and treatment, and can provide emotional relief to families struggling through this maze of medical tests. Only with sound information can parents prepare for the special care and education services most Fragile X children will need—which averages more than \$2 million over a lifetime. Accurate diagnosis helps not only the child and parents, but also siblings and extended family members who may have Fragile X, or who risk passing on the mutation.

Countless parents agonize about a child who learns slowly, suffering from intense anxiety and temper tantrums. Do they go from doctor to doctor, without explanation? Do they have additional children with Fragile X before learning a mother is a carrier? Is a child deprived of treatment because she received inaccurate diagnoses? Do parents conclude they simply have a "bad kid"?

For years, Fragile X families and the FRAXA Research Foundation have worked hard to raise public awareness about the disease, and to increase funding for research. Until a cure is discovered, our goal is to provide families dealing with Fragile X with the most significant tool now available: knowledge. With a little help from Congress, these families will at least have a better shot at accurate diagnosis and access to treatment, as we also accelerate research toward overcoming this debilitating disease. I therefore urge my colleagues to join with us in supporting this resolution—which recognizes the devastating impact of Fragile X, calls for an increase in federal research, urges medical schools and other health educators to promote this research, and commends the goals of National Fragile X Research Day.

A SPECIAL TRIBUTE TO THE
BALLREICH'S COMPANY OF TIF-
FIN, OHIO AND THE 150TH ANNI-
VERSARY OF THE POTATO CHIP

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 2002

Mr. GILLMOR. Mr. Speaker, it is with great pride that I rise today to recognize an indelible institution in Ohio's Fifth Congressional District. In this, the 150th anniversary year of the potato chip, the Ballreich Potato Chip and Snack Company has been producing some of the best snack foods known to northwestern Ohioans.

The Ballreich Potato Chip and Snack Food Company was started in the 1920s by Fred Ballreich. Fred began his entrepreneurial journey into the snack food business while he was just a teenager while working in a bakery that was owned by his sister. With the end of World War I, Fred, and his wife Ethel, decided to venture into the arena of small business

ownership. Peeling and frying the potatoes by hand, the Ballreichs turned the love of making potato chips into a fledgling business. Soon after the start of this small operation, Fred persuaded his brother Carl to join the venture, and thus, the Ballreich Brothers partnership began.

As demand for these snack foods began to grow so did the Ballreich Brothers' business. To meet that demand the Ballreich's moved into the age of technology and began to mechanize their means of production. Today, a multitude of conveyors and industrial size machinery allow the company to produce over 2,000 pounds of the famous potato chip in one hour.

The Ballreich Company is a brand name within the northwest Ohio region, and is becoming nationally recognized. As individuals venture out from the region and take this regional tradition with them around the country, it allows others to become familiar with this beloved Ohio product.

Mr. Speaker, I am proud to recognize this company for all of its contributions to Ohio, including its commitment to all of the employees and their families who diligently work to keep this Ohio tradition alive. Also, it is appropriate to recognize the 150th anniversary of the potato chip, an institution within itself that has engrained itself into the American culture. In addition, I want to wish all of the Ballreich Company family the best. You are an example that not only is the American Spirit stronger than ever, but that the American Dream is alive and well.

EXPRESSING SUPPORT FOR GOALS AND IDEAS OF DAY OF TRIBUTE TO ALL FIREFIGHTERS

SPEECH OF

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mrs. MORELLA. Madam Speaker, I rise today in support of H. Con. Res. 476, legislation Expressing Support for the Goals and Ideas of a Day of Tribute to All Firefighters. When I recently visited the Bethesda Fire Department, the Bethesda-Chevy Chase Rescue Squad, the Glen Echo Volunteer Fire Department, the Kensington Volunteer Fire Department, the Rockville Fire Department, and the Silver Spring Volunteer Fire Department, I witnessed an amazing bond of brotherhood among the firefighters, the Auxiliary Team, and the Emergency Medical Technicians (EMT's). Fire Departments are much more than just buildings that house employees. They are truly places of community. Firefighters are much more than colleagues to one another. They are truly members of an extended family. At many of the firehouses, I saw married couples, their parents, and their children at their monthly meetings brought together by a sense of tradition, honor, family, and love. Tradition and honor is so apparent, any volunteer or career firefighter can tell you the history of their department and the history of their community.

Many would tell you that the last fallen firefighter in Montgomery County, Maryland was Jim Nicewarner. In 1977, as he was transporting an individual to George Washington

Hospital, the medic unit he was riding in was tragically struck by another car. Many say he wasn't supposed to be working that night. He was substituting for another medic from another department. The overwhelming consensus among the firefighters in Montgomery County is that's what is done for one another.

I am very proud of my Hometown Heroes of Montgomery County. It is important we recognize that these firefighters, as well as all firefighters across the Nation, were heroes long before September 11. They will continue to be heroes each day they risk their lives to save our own. It is time we pay tribute to those who are ready in a moment's notice to make the ultimate sacrifice, so that our community and our nation is a safe place to live.

HONORING THE CITY OF SHELLEY, IDAHO, AND THE SHELLEY SPUD DAYS ACTIVITIES

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 2002

Mr. SIMPSON. Mr. Speaker, as the autumn nights get crisp and fall descends in eastern Idaho, the harvest of potatoes begins. So today, I rise to honor an Idaho tradition: Shelley Spud Days.

Shelley, Idaho, located in Bingham County, produces more potatoes than any other place in the world. Idaho farmers harvest 400,000 acres of spuds each year equaling more than 14 billion pounds. With worldwide fame, it's only fitting that Idaho's most famous commodity is commemorated each year in the heart of potato country USA.

So, for 74 years the closeknit community of Shelley has celebrated the harvest season with Shelley Spud Days. What started in 1927 when a handful of farmers gathered for a harvest party has transcended to one of Idaho's largest community celebrations. With only 3,500 residents, Shelley puts on a premier party. This year more than 10,000 people took in a day's worth of activities including wrestling in a mashed potato pit, shaking hands with Mr. Potato Head and eating a free baked potato with sour cream and butter.

As any non-profit organization understands, these events could never function without dedicated volunteers who spend countless hours ensuring its success. I especially want to thank Raylene Johnson, coordinator for the event, for her hard work.

I'm proud Shelley has continued this community event to celebrate what Idaho is famous for—potatoes. It's a celebration that hopefully will continue for years to come.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE PATSY T. MINK, MEMBER OF CONGRESS FROM THE STATE OF HAWAII

SPEECH OF

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. RANGEL. Mr. Speaker, I rise before you today to join with my colleagues in paying a

richly deserved tribute to the memory of our esteemed and devoted colleague here in the Congress, Congresswoman PATSY MINK.

The character of the life she lived could be summed up in just a few words: she was compassionate, dedicated, strong-spirited, a tireless worker, a real trailblazer, and an inspiring leader. Congresswoman MINK was self-sacrificing and sincerely devoted to her constituents and to this House.

After becoming the first Asian-American woman elected to Congress in 1964, Congresswoman MINK won a reputation for taking the lead on issues involving civil rights, education, the environment, poverty, as well as opposition to the Vietnam War. She was one of the first legislators to call for the impeachment of President Richard M. Nixon over Watergate, and her pioneering campaign for equality for women was credited with helping to make the issue a focal point of Democratic politics.

Congresswoman MINK was extremely proud of the leading role she played in 1972 in the passage of Title IX of the Education Act which as a result opened many doors and provided opportunities for young women in athletics. More recently, she opposed the toughening of welfare laws signed by former President Bill Clinton.

MINK has served in the U.S. Congress for 24 years. She was a "voice for the voiceless" and worked diligently for those who are oftentimes forgotten such as the poor and the disenfranchised.

Congresswoman MINK was a petite woman with a big heart and great intellect. It was a privilege to serve with her in the House and observe as she combined charm with an unlimited energy and the highest integrity. Her leadership and passion for justice will be missed not only by those who served with her, but by her constituents which she proudly served.

In closing and to sum up the impact which I believe PATSY MINK has had, I would like to paraphrase the words of Abraham Lincoln who stated in a memorable address: "The world will little note, nor long remember what we say here, but can never forget what they did here."

My deepest condolences to her husband John and daughter Wendy, and to the constituents to the second district of Hawaii.

HONORING ED AND NANCY FELDMAN AND DRS. GUS AND BECCA GALANTE

HON. PETER J. VISCLOSKEY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 2002

Mr. VISCLOSKEY. Mr. Speaker, it is my distinct honor to commend four of Northwest Indiana's most distinguished citizens, Ed and Nancy Feldman and Drs. Gus and Becca Galante. On Sunday, October 6, 2002, these couples will be honored for their exemplary and dedicated service to Northwest Indiana and to the State of Israel. Their praiseworthy efforts will be recognized at the annual Northwest Indiana-Israel Dinner of State, as they receive the prestigious Jerusalem Medal. The State of Israel Bonds presents the Jerusalem Medal to worthy recipients who demonstrate

their dedication and outstanding service to Israel and their community.

The State of Israel Bonds is an international organization offering securities issued by the government of Israel. Since its inception in 1951, Israel Bonds has secured \$25 billion in investment capital for the development of every aspect of Israel's economy, including agriculture, commerce and industry. Throughout its history, Israel has maintained a perfect record on the payment of principal and interest on the securities it has issued.

Mr. and Mrs. Ed Feldman, are two of the most caring, dedicated, and selfless citizens of Indiana's First Congressional District. The Feldman's are very active members of Congregation Beth Israel in Hammond. Ed teaches Bar and Bat Mitzvah students, serves as chairman of the Ritual Committee, acts as Cantor for Shabat and holiday services, and is a member of the Executive Committee and Board of Directors. He is the immediate past president of the Jewish Federation of Northwest Indiana and serves on the Endowment Fund Trustees Committee as well as the Building Legal Finance Committee. Nancy is also a member of the Board of Directors and serves as co-chair of the Chevra Kedisha, is a member of the Mitzvah Committee, and coordinates projects for Bar and Bat Mitzvah students. Along with Gus Galante, she is co-chair of the Federation's annual fund-raising campaign, where she serves on the Executive Committee and Board of Directors as vice president.

Drs. Gus and Becca Galante are the other recipients of the Jerusalem Medal. Gus was born in Buenos Aires, Argentina and is the descendant of Jews who migrated from Lithuania, Russia, Gibraltar and Morocco. He is an active member of the Northwest Indiana Federation Board and is the current co-chairman of the general campaign. In addition, he participates in Chevra Kedisha and is the recipient of the Emanuel Marcus Leadership Award for community participation. Becca is descended from Jews who migrated from Russia, Poland and Austria and was born in Lafayette, Indiana. She serves on the Board of Directors of Congregation Beth Israel, on the Sisterhood Board and is a member of the Chevra Kedisha. She is a past co-chair of the Federation's general campaign, co-founder of the Jewish Future Forum, and recipient of the Hurst Family Leadership Award, as well as the Gevurah Award from the Jewish Federation.

The special guest at this gala event will be Ambassador Gvir. Ambassador Gvir was born in Shilde near Antwerp, Belgium, and escaped the Nazis as a child to Switzerland. He made aliyah in 1958 and has served as Israel's Ambassador to the Czech Republic, Switzerland and Liechtenstein. He was also the minister at the Permanent Mission of Israel to the United Nations.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in commending the Feldman's and Galante's for their lifetime of service, success, and dedication to Indiana's First Congressional District and the State of Israel.

RECOGNIZING THE DEPARTMENT OF LABOR FOR SUCCESS OF COMMUNITY AND FAITH-BASED INITIATIVE

HON. JOHN R. THUNE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 2002

Mr. THUNE. Mr. Speaker, I want to recognize the Department of Labor for its efforts to integrate community and faith-based organizations into Federal employment and training services. The department is working with these local partners to deliver effective programs to some of our hardest to reach neighborhoods. Small community and faith-based organizations have already made significant human investments in communities throughout America and are known and trusted to deliver results.

The importance of this initiative is most evident among some of America's poorest families and individuals, where community and faith-based organizations are sometimes the only partners capable of delivering effective services. I commend the Department of Labor for creating several pilot and innovative grant programs designed to better utilize the unique skills of community and faith-based institutions in its employment and training efforts.

Given the department's growing record of success, I sincerely hope that Congress will pass and send legislation to the President's desk that ensures the Federal government will no longer ignore these critical partnerships. The House has passed H.R. 7 to make community and faith-based organizations eligible to receive federal program dollars, and again, I hope this legislation will pass both chambers before we adjourn.

Again Mr. Speaker, I want to commend the Department of Labor for its work to improve Federal services and encourage them to continue and expand their successful partnerships with community and faith-based organizations.

EXPRESSING SUPPORT FOR GOALS AND IDEAS OF DAY OF TRIBUTE TO ALL FIREFIGHTERS

SPEECH OF

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. WILSON of South Carolina. Madam Speaker, I am very pleased to be here today to speak in support of H. Con. Res. 476, providing tribute to firefighters who have died in the line of duty.

This Resolution has special meaning to my home community in that last year Jeff Chavis, of the Lexington County Fire Service of Lexington, South Carolina, lost his life as he courageously fought a fire that destroyed a home on the shores of Lake Murray. Jeff was a dedicated twenty-two year old firefighter who will always be remembered in South Carolina as a symbol of devotion to protecting the public from harm.

Jeff's death, and then the murderous attack on the World Trade Center towers, have reminded all Americans of the courage of firefighters and the sacrifice they voluntarily pro-

vide. At no time in American history has this profession been more appreciated.

My family has a personal respect for the competence of firefighters. The West Columbia Fire Department, led by Chief Barry Anderson, has three times saved our family home from a faulty water heater, a stove fire, and an electrical short of a television. In each event the Department was prompt and thoughtful.

As a newcomer to Congress, I have been impressed by the quality of my colleagues in the House. One whom I have grown to truly respect is the author of this Resolution, CURT WELDON of Pennsylvania. I know firsthand of his appreciate for and his tireless work on behalf of our nation's firefighters.

RECOGNIZING THE ACHIEVEMENTS OF HAROLD W. JURGENA

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 2002

Mr. SHIMKUS. Mr. Speaker, I rise today to recognize the achievements of Harold W. Jurgena, from Irving, Illinois.

A graduate of Hillsboro High School, Mr. Jurgena went on to work at the Hillsboro Glass Company for nearly 40 years. He and his family have been involved in farming since his birth.

In 1962, Jurgena was appointed to replace John Walters' in his term as Village President. He has been re-elected as Village President for the last nine consecutive terms.

The Jurgena tenure has been marked by a number of achievements such as improvements in the city's water system, natural gas, sewage upgrades, cable television, modernizing the city police department, lighting the ball field, a new Fire House and City Hall and the construction of the Irving Century House.

As Village President or "Mayor" as he is known, Jurgena never overlooked the needs of his city. Yet he didn't stop with just elected public service. He has also served on the Hillsboro Board of Education, as a member of the Irving Volunteer Fire Department, a member of the Farm Bureau, past president of the Lutheran Brotherhood, member of the Ansar Shrine in Springfield, Adult Leader of the Montgomery county 4-H and Past Master of the Irving Masonic Lodge.

Throughout his life, Harold Jurgena has given selflessly for his community and those around him. He has been an inspiration to generations of Irving residents and I am proud to call him one of mine as well.

The people of our area have benefited greatly from Harold Jurgena and I believe it is proper for us to take the time to recognize him and say thanks for a job well done.

EXPRESSING SORROW OF THE
HOUSE AT THE DEATH OF THE
HONORABLE PATSY T. MINK,
MEMBER OF CONGRESS FROM
THE STATE OF HAWAII

SPEECH OF

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. HONDA. Mr. Speaker, I thank the gentleman from Hawaii for yielding, it is with great sadness that I rise today to address the House.

I offer my deepest sympathies to PATSY MINK's family, husband John Francis Mink, daughter Wendy and brother Eugene Takemoto. Anyone who was fortunate enough to have been touched by her life knows that this Nation has lost a true warrior in the constant struggle for justice.

We will all miss her counsel and guidance as well as her friendship.

She encountered early on the difficulties of prejudice and sexism. She also understood the importance of coalition building that she would carry on for the rest of her career.

She was a person of firsts: first Japanese American woman to become a lawyer in Hawaii in 1952, first Asian American woman and woman-of-color elected to Congress, being 1 of only 12 women total in 1964.

Her energy in awakening all of our social consciousness through her tireless advocacy, work and dedication, inspired students, community leaders, political appointees and especially elected officials of the APA community and beyond.

Congresswoman MINK's record as an advocate for civil rights is unassailable, a crowning achievement being the passage of Title IX of the Federal education amendments in 1972. This landmark legislation banned gender discrimination in schools, whether it was in academics or athletics.

As I have indicated, she has been a role model for countless women as well as those of us from the Asian American and Pacific Islander community. Though she is not physically present, her spirit and legacy will live on through those of us who believe that the fight for fairness and equity is never over.

Mr. Speaker, as we all know, PATSY had a fierce passion for freedom and equal treatment for all persons and during these tense times as our Nation faces growing poverty rates and international turmoil, I'd like to close with two quotes from PATSY MINK. The first quote underscores her passion for the need to stand up for the underrepresented and the second quote makes the point that when our national security is tested, we as a people must not ignore the basic principles that this country was founded on:

If to believe in freedom and equality is to be a radical, then I am a radical. So long as there remain groups of our fellow Americans who are denied equal opportunity and equal protection under the law * * * we must remain steadfast, till all shades of man may stand side by side in dignity and self-respect to truly enjoy the fruits of this great land.

America is not a country which needs to punish its dissenters to preserve its honor, America is not a country which needs to demand conformity of all its people, for its strength lies in all our diversities converging

in one common belief, that of the importance of freedom as the essence of our country.

We all know that Hawaii was founded by Polynesian travelers guided by the stars. Today in the skies of Hawaii shines yet another star in the constellations to still guide the islanders and those of us here on the mainland.

I will miss her very much.

USS SIERRA TRIBUTE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 2002

Mr. GILMAN. Mr. Speaker, I rise today to pay recognition to the men of the USS Sierra Veterans Association, who will be gathering at their annual "Ship Reunion" this weekend.

The *Sierra* (AD-18) had a long career of distinction within the U.S. Navy. A *Dixie*-class destroyer tender commissioned in 1944, the *Sierra* was named for the famous Nevada mountain range, which means "Snow Mountains."

Almost immediately after her commissioning, the *Sierra* began repairing battle-damaged destroyers in Pearl Harbor. During one nine-day period, the *Sierra*'s crew performed 21,393 man-hours of work on 65 ships, for which they were commended.

As the Japanese forces were driven back across the Pacific, the *Sierra* followed the fleet, performing battle repairs and maintenance upkeep at the Admiralty Islands, Caroline Islands, Solomon Islands and the Philippines. Her early postwar duties included work on ships stationed in Inchon, Korea; Okinawa, Japan; and Tsingtao and Shanghai, China.

After transferring to Norfolk, Virginia in 1950, the *Sierra* served with the Sixth Fleet until 1992. Operating both in the Mediterranean and in the Atlantic near Norfolk, the *Sierra* performed maintenance support to Sixth Fleet logistics, amphibious, combatant ships and submarines. This service included support to naval forces during operation Desert Storm in 1991.

In late August 1992, Hurricane Andrew, a devastating category 5 storm, left a wide swath of destruction throughout Southern Florida. Within 26 hours of being notified, the *Sierra* was en route to help rebuild shattered communities in South Florida. In less than one month, the *Sierra*'s crew restored 12 schools, erected a tent city, provided federal emergency management agency case workers, supplemented Navy relief volunteers, provided Spanish linguists to U.S. Army medical units, and prepared tens of thousands of meals for relief workers, fire fighters and police officers. In this relief effort, the *Sierra* was the first ship to arrive, and the last to leave.

The *Sierra* was decommissioned on October 15, 1993 at the U.S. Naval Base in Charleston, South Carolina.

All too often, Mr. Speaker, ships like the *Sierra* have stood in the shadows of the more familiar front line combat vessels, the battleships and aircraft carriers, cruisers and destroyers. But as the history of this vessel has shown, these ships play a vital role in keeping those combat vessels operating at peak form.

Moreover, by making timely repairs at sea, ships like the *Sierra* save the Navy countless millions in more expensive upkeep and labor repairs in drydock.

The crew of the USS *Sierra* deserve the recognition of this house for their contributions to the U.S. Navy in times of war and peace. I want to further recognize the members of the USS *Sierra* Veterans Association for their efforts to keep the memory of their ship alive and strong, and extend my best wishes for a successful and memorable gathering this year.

PERSONAL EXPLANATION

HON. FRANK MASCARA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 2002

Mr. MASCARA. Mr. Speaker, on October 1, 2002, I was absent for personal reasons and missed rollcall votes numbered 424 through 426. For the record, had I been present I would have voted "yea" on all of these votes.

IN HONOR OF THE LIFE AND ACCOMPLISHMENTS OF ELIZABETH
UPHAM-MCWEBB

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 2002

Mr. DINGELL. Mr. Speaker, I rise today to pay tribute to Elizabeth Upham-McWebb, known to the world as "Aunt Bett" on the dedication of her statue of Little Brown Bear, and to commemorate her on ninety-eight prosperous years.

Born and raised in Monroe County, which is part of Michigan's 16th Congressional District, Aunt Bett grew up telling stories and writing with her parents and eight siblings. Aunt Bett has always loved working with children. After attending school, she became an elementary school teacher; she still enjoys teaching Sunday school to Monroe County youth. Aunt Bett's most famous accomplishments include authoring numerous verses and stories for children. The most well-known of these are Little Brown Bear and Little Brown Monkey. These remarkable stories have become favorites among children everywhere.

In May 1978, Aunt Bett was awarded a special state tribute. She also received numerous awards for her writing. Her rhymes and stories have been widely published in magazines, books and textbook readers.

Aunt Bett has benefited the community of Monroe County in countless ways. For decades she has been entertaining and assisting the reading world with her writing and teaching. In addition, she and her husband donated their playhouse to the Monroe County fair where it continues to serve as an exciting attraction to county children and adults. Aunt Bett has illustrated several safety posters that inform children of important safety rules. The Elizabeth Upham-McWebb "Little Brown Bear" Fund is endowed by the Trustees for the Community Foundation of Monroe County and with a major grant from the C.S. and Marion F. McIntyre Foundation to support programs which encourage children to read books.

Little Brown Bear has become a celebrity in the Monroe County Community. Monroe County libraries have organized a sign-up for residents who want to take Little Brown Bear along on their travels. This program has been very successful; in fact Little Brown Bear has traveled to countries such as England, Germany, Finland, Korea, Sweden, Thailand and Australia with Monroe County residents. In Germany he received an honorary pilot's license and German visa. Little Brown Bear has compiled an interesting collection of worldwide library cards for the Monroe libraries.

A pride and joy of Monroe County, Aunt Bett is admired and loved by all. Today Monroe is honoring Aunt Bett with this 900-pound bronze statue of Little Brown Bear, to be placed outside the Dorsch Memorial Library. The statue is a tribute to Aunt Bett and will remind residents of her legacy for decades to come. A community based event, more than fifty percent of the work on the statue was donated. Built to last centuries, the statue will undoubtedly remain an honorable Monroe County fixture.

Mr. Speaker, I would like you to join me in commending Elizabeth Upham-McWebb for her leadership in both her community and her country, as we dedicate this statue and celebrate her 98th birthday.

McGOWAN INSTITUTE FOR
REGENERATIVE MEDICINE

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 2002

Mr. COYNE. Mr. Speaker, I rise today to call the House's attention to an important event that took place in Pittsburgh, Pennsylvania, on Thursday, September 26. On that day, the McGowan Institute of Regenerative Medicine of UPMC Health System and the University dedicated a new building that will be used for important medical research.

The next-generation medical therapies that will be designed and tested in this building will be used to wage war on disease and suffering. In this new facility a coordinated partnership effort will enable Pittsburgh to make impressive advances in artificial heart technology, in designing artificial lungs for wounded soldiers, and producing artificial blood.

This new building has been made possible by the leadership of the McGowan Foundation, the McGowan family, Pittsburgh's dynamic local leadership, and the Commonwealth of Pennsylvania. The excitement about this new facility is enhanced, Mr. Speaker, by the fact that it is also a remarkable "green building." Designed at every step with the protection of the environment as its first and foremost concern, this building is achieving national recognition for its combination of cutting edge research space with environmental sustainability.

Mr. Speaker, the McGowan Institute for Regenerative Medicine will lead the way in artificial organ design, cell therapy, and tissue engineering. The research accomplished there will touch the lives of many of us in the years to come. I join the scientific community and the constituents of Pennsylvania's 14th Congressional District in congratulating the McGowan Institute on this important milestone.

MEMORIALIZING DR. ROY E.
YOUNG

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 2002

Mr. HONDA. Mr. Speaker, I rise today to honor the memory of Dr. Roy Young of San Jose, California. As a devoted husband, father, and professor, Dr. Young deeply influenced the lives of thousands of Californians.

On July 26th, 1925, Dr. Young was born in San Angelo, Texas where he was raised. He studied theater at Cornell University and earned his Ph.D. at the University of Texas at Austin. During World War II, he served as an ensign on the battleship USS *West Virginia*. Eventually, Dr. Young moved to San Jose where he served as professor and chairman of the political science department at San Jose State University for 30 years. During his tenure, his research focused on American politics and elections. He created two new courses at San Jose State University on public opinion and ethnic politics.

The University and Bay Area were fortunate to be recipients of his work. He gave to his community as a professor and as an active community member. Twice elected chair of San Jose State University's Academic Senate, he challenged the University's governance policies. He was a proud democrat and an active member of the San Jose Board of Ethics and Campaign Finance. The University's College of Social Sciences presented him the Distinguished Service Award. In each position, he took seriously the responsibilities placed on him, often challenging the status quo.

His teaching was what he was most proud of. His passion for education overflowed into every aspect of his life. His dedication to his students went far beyond the prescribed role of a professor. If a student needed a book, he would purchase it with his own money. His love of learning extended beyond the classroom and into his home. A lover of books, his house is filled from floor to ceiling with texts covering a broad range of subjects. As testimony to his devotion to education, Dr. Young chose to be buried on a hill overlooking San Jose State University and the students of tomorrow.

In the last years of his life, Dr. Young recovered from a heart attack and battled Parkinson's Disease and cancer. Though his last years were difficult, they slowed his busy schedule giving him cherished time to spend with friends and family. In passing, he leaves his loving wife Linda and his two sons Jason and Joshua. He succumbed to pneumonia on August 8th at the age of 77.

Mr. Speaker, I extend my deepest condolences to Dr. Young's wife, children, and friends. Please join me in honoring a truly exceptional individual, Dr. Roy Young, who dedicated his life to the service of others. I want to give thanks for all he did throughout his life to make his community and our country better for human kind.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 2002

Mr. BECERRA. Mr. Speaker, on Tuesday, October 1, 2002, I was unable to cast my floor vote on rollcall numbers 424, 425, and 426. The votes I missed include rollcall vote 424 on the Motion to Suspend the Rules and Pass, as Amended S. 434, providing Sioux Tribe Compensation; rollcall vote 425 on the Motion to Suspend the Rules and Pass, as Amended H.R. 4125, the Federal Courts Improvement Act of 2002; and rollcall vote 426 on the Motion to Suspend the Rules and Agree to H. Res. 538, Honoring Johnny Unitas.

Had I been present for the votes, I would have voted "aye" on rollcall votes 424, 425 and 426.

EXPRESSING SORROW OF THE
HOUSE AT THE DEATH OF THE
HONORABLE PATSY T. MINK,
MEMBER OF CONGRESS FROM
THE STATE OF HAWAII

SPEECH OF

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mrs. JONES of Ohio. Mr. Speaker, I rise today in remembrance of my colleague Congresswoman PATSY MINK who served in the House of Representatives for twelve terms. She was the first woman of Asian descent to serve in the U.S. Congress. Representative PATSY MINK's ancestry is the classic story of immigrants seeking a better life in America for themselves and their families. Her four grandparents emigrated from Japan in the late 1800's to work as contract laborers in Maui's sugar plantations.

Representative MINK began college at the University of Hawaii, but transferred to the University of Nebraska where she faced a policy of segregated student housing. Working with other students, their parents, and even university trustees, this policy of discrimination was ended. She returned to the University of Hawaii to prepare for medical school and graduated with a degree in zoology and chemistry. However, in 1948, none of the twenty medical schools to which she applied would accept women. She decided to study law and was accepted by the University of Chicago because they considered her a "foreign student." Choosing not to inform the University that Hawaii was an American territory, she obtained her Doctor of Jurisprudence in 1951. Newly married, she became the first Asian-American woman to practice law in Hawaii.

In 1956, she was elected to the Territorial House of Representatives. It was the beginning of a long and effective political life. In 1959, Hawaii became the 50th state. In 1965, PATSY MINK was elected to the U.S. House of Representatives and began the first of six consecutive terms in the House of Representatives. She was the first woman of color to be elected to Congress.

Representative MINK's ability to build coalitions for progressive legislation continued during her tenure in Congress. She introduced

the first comprehensive Early Childhood Education Act and authored the Women's Educational Equity Act.

In the early 1970's, she played a key role in the enactment of Title IX of the Higher Education Act Amendments. Written in 1972 to be enacted by 1977, Title IX, which prohibited gender discrimination by federally funded institutions, has become the major tool for women's fuller participation not only in sports, but in all aspects of education. Title IX is the reason why girls and women have made such gains in education and particularly in sports. In 1971, only 294,015 girls participated in high school athletics. Today, over 2.7 million girls participate in high school athletics, an 847 percent increase, according to the Department of Education.

Mr. Speaker, I rise today to reiterate the importance the legacy of my dear friend PATSY MINK. Congresswoman MINK will be remembered for her deep concern and support of education, women rights, and Pacific Islander issues. Her struggles and accomplishments bear witness to the strength of the American Spirit.

HOUSES OF WORSHIP POLITICAL SPEECH PROTECTION ACT

SPEECH OF

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2001

Ms. SCHAKOWSKY. Mr. Speaker, I rise today in opposition to H.R. 2357, the Houses of Worship Political Speech Protection Act, and I urge my colleagues to vote no on this measure. This bill, which would allow houses of worship to participate or intervene in political elections and still maintain tax-exempt status, is unnecessary, unwanted, could have far-reaching and unintended consequences on the tax code, and goes against our constitutional value of the separation of church and state.

Current law does not hinder a religious leader's right to free speech; it simply limits groups from being both a tax-exempt ministry and a partisan political entity. Numerous faith-based organizations have spoken out against this bill because they feel it would lift important safeguards that protect the integrity of both religious institutions and the political process. Some of these organizations include the Interfaith Alliance Foundation, the National Council of Churches, the Congress of National Black Churches, the General Board of Church and Society—United Methodist Church, the Presbyterian Church (USA), the Union of American Hebrew Congregations, the Baptist Joint Committee on Public Affairs, and the Central Conference of American Rabbis. Many religious leaders feel this bill could create division among their members and would compromise their position as religious and moral leaders.

In addition, this bill was not approved by the Ways and Means Committee, in part because there are concerns about its unintended consequences. Churches receive preferential tax treatment as 501(c)3 nonprofit organizations and receive very little oversight from the IRS. If this bill were to become law, not only could people's tax deductible contributions be used for political purposes, but there would be sig-

nificant campaign finance implications. Religious entities would be able to undertake substantial amounts of partisan campaign activity, including contributing soft and hard money to federal and state races and national parties. This bill would effectively create a significant new loophole in our campaign finance and tax laws with serious ethical and legal implications.

Finally, this bill stands in stark contrast to our time tested constitutional principle of the separation of church and state. Religious organizations hold a special place in our tax code because it is believed that their work is contributing to the common good of society, not a political party or a partisan campaign. This bill seeks to remove that special and appropriate place.

I urge my colleagues to vote "no" on H.R. 2357.

HUMAN RIGHTS CENTER, H.R. 5528

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 2002

Mr. GILMAN. Mr. Speaker, at the present, there is no independent institution or resource which focuses exclusively on international human rights. Although there are hundreds of private, nongovernmental entities concerned with international human rights, the community of organizations is often divided on issues of great importance. Accordingly, it is vital to have an entity that transcends the particular ideologies of the human rights groups and fosters the development of a consensus on U.S. human rights policy. Moreover, U.S. human rights policy requires legitimacy and direction as it competes within the broader foreign policy agenda for the resources and attention of policy-makers in Washington.

To that end, I am introducing legislation that will create a center for international human rights which will focus on the role of human rights in U.S. foreign policy and improve the intellectual resources available to professionals and scholars working on human rights policy. The center will involve the participation of U.S. government and non-government policy makers, activists and scholars as well as individuals from other countries. The center will sponsor fellows, activists and thinkers from the U.S. and abroad for integrated research projects as well as conducting seminars that will assist Washington officials in the policy-making process.

Moreover, since the center for international human rights will be the only independent institution that will have human rights as its primary responsibility in Washington, it will complement the work of other institutions that have a slightly different focus such as regional institutions like the East West Center or functional institutions like the National Endowment for Democracy. Accordingly, the center will serve not only as a coordinating organization but as a motivating vehicle for enhancing U.S. government human rights policies.

Accordingly, I urge my colleagues to support this human rights measure, H.R. 5528.

H.R. 5528

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Center for International Human Rights Act of 2002".

SEC. 2. DEFINITIONS.

In this Act:

(1) CENTER.—The term "Center" means the Center for International Human Rights.

(2) BOARD.—The term "Board" means the Board of Directors of the Center.

SEC. 3. ESTABLISHMENT OF CENTER; PURPOSES.

(a) ESTABLISHMENT.—Congress finds that there has been established in the District of Columbia a private, nonprofit corporation known as the Center for International Human Rights which is not an agency or establishment of the United States Government.

(b) PURPOSES.—The purposes of the Center, as set forth in its articles of incorporation, are—

(1) to establish programs devoted to the promotion of human rights throughout the world;

(2) to independently monitor and analyze the status of human rights in Asia, Latin America, Africa, the Middle East, Europe, and throughout the world;

(3) in conjunction with both private and governmental organizations, to investigate allegations of human rights violations, particularly torture, genocide, extrajudicial killing, imprisonment due to expression of political or religious beliefs, and other gross violations of fundamental human rights;

(4) to sponsor fellows from the United States and other countries who desire to study current issues related to international human rights at the Center's headquarters in the District of Columbia;

(5) to establish and carry out a conference series to bring together experts in the field of international human rights from the United States and other countries to discuss and disseminate information regarding human rights; and

(6) to make grants to, and enter into co-operative agreements with, nongovernmental organizations to promote human rights, with priority on making grants to, and entering into co-operative agreements with, indigenous human rights organizations in countries the governments of which engage in torture, genocide, extrajudicial killing, imprisonment due to expression of political or religious beliefs, or other gross violations of fundamental human rights.

SEC. 4. GRANTS TO CENTER.

The Secretary of State is authorized to make an annual grant to the Center to enable the Center to carry out its purposes as specified in section 3(b). Such grants shall be made with funds specifically appropriated for grants to the Center.

SEC. 5. RULE OF CONSTRUCTION; OVERSIGHT; RELATED ADMINISTRATIVE PROVISIONS.

(a) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to make the Center an agency or establishment of the United States Government or to make the members of the Board of the Center, or the officers or employees of the Center, officers or employees of the United States.

(b) OVERSIGHT.—The Center and its grantees shall be subject to the appropriate oversight procedures of Congress.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS; AVAILABILITY.

There are authorized to be appropriated to carry out this Act \$15,000,000 for each of the fiscal years 2003 through 2007. Amounts appropriated pursuant to the authorization of appropriations under the preceding sentence are authorized to remain available until expended.

IN RECOGNITION OF THE 42ND ANNIVERSARY OF THE INDEPENDENCE OF THE REPUBLIC OF CYPRUS

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 2002

Mr. ANDREWS. Mr. Speaker, I rise before you today in recognition of the 42nd anniversary of the independence of the Republic of Cyprus. On October 1, 1960, Cyprus broke free from 80 years of British colonial rule to become its own independent Republic. While the tragic events in this region over the past four decades have overshadowed its progress, the government of the Republic of Cyprus remains committed to the core principles enshrined in the Cyprus Constitution that guarantee basic rights and freedoms to both Greek Cypriots and Turkish Cypriots.

This year, Cyprus' Independence Day occurs at a time of great hope and optimism for its people. The economic and political progress that Cyprus has made during its young history has made it a leading candidate for membership in the European Union, and it is expected that a formal invitation to enter the EU will be extended to them at the end of this year. As resolutions have been introduced in both the House and Senate expressing the sense of Congress that security, reconciliation, and prosperity for all Cypriots can be best achieved within the context of membership in the EU, this is certainly a favorable advancement for the prosperous future of Cyprus. Despite the hardships and trauma caused by the ongoing Turkish occupation, Cyprus has registered remarkable economic growth, and the people living in the government-controlled areas enjoy one of the world's highest standards of living. Sadly, however, the citizens who reside within the occupied area continue to be mired in poverty as a result of the policies implemented by the Turkish occupants.

This year's celebration is also marked by significant advances in U.S.-Cyprus relations. The United States Congress has adopted several resolutions stating that the status quo in Cyprus is unacceptable, and has called for international efforts to resolve the Cyprus occupation on the basis of international law. In return, the government of Cyprus has taken many concrete and active steps to assist the U.S. with the war on terrorism, including blanket clearances for U.S. military aircraft, the sharing of intelligence, the introduction of new criminal laws and regulations to deter and punish terrorism, and endorsement of UN Security Council Resolution 1373 which serves to freeze the assets of terrorists and their supporters. The relationship between Cyprus and the United States is strong and enduring. The people of Cyprus appreciate the leadership that America has shown in trying to end the division of Cyprus and bring about reunification. At the same time, the people of Cyprus stand with the American people and share in their firm resolve to uphold the ideals of freedom, justice, and democracy.

Mr. Speaker, please join me in congratulating the Republic of Cyprus on the progress they have made during their first 42 years of independence. In addition, let's take this opportunity to recommit the United States Congress to continuing their blossoming relation-

ship with the Cypriot government and working towards a peaceful, agreeable resolution to the Turkish occupation.

CONGRATULATIONS TO NATIONAL ASSOCIATION OF REALTORS

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 2002

Mr. GARY MILLER of California. Mr. Speaker, I rise to honor the National Association of Realtors on their decision to build a new headquarters on Capitol Hill.

In addition to serving their 850,000 members, this new building will enhance the Capitol Hill community. Its elegant design will complement the location, and its state of the art environmentally friendly features will serve as a model for future construction. Moreover the \$45 million in construction and acquisition capital will benefit several Washington, D.C. businesses, including developer Lawrence N. Brandt, Inc., construction manager CarrAmerica, architectural firm Bannigan and Associates, and numerous contractors and subcontractors.

As a homebuilder, I understand the significance of selecting a community to call home. The District of Columbia should take pride in the fact that the National Association of Realtors has chosen 500 New Jersey Avenue, NW as their new home. This new building will demonstrate the association's commitment to both the city and the legislative process.

Clearly, this is an exciting time for the National Association of Realtors. Mr. Speaker, I ask that this 107th Congress join me in congratulating them on this endeavor.

PERSONAL EXPLANATION

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 2002

Mr. McDERMOTT. Mr. Speaker, I missed some votes yesterday because I was traveling. I left for Iraq last week to get a better understanding of how a preemptive U.S. military strike against Iraq will affect the Iraqi people, and to encourage the Iraqi leadership to allow United Nations weapons inspectors into the country.

Had I been able to, I would have voted: "yes" on H.R. 4793; "yes" on H.R. 3450; "yes" on H. Res. 398; "yes" on H. Con. Res. 291; "yes" on H.R. 4013; "yes" on H.R. 4014; "yes" on H. Res. 399; "yes" on H.R. 5091; "yes" on H. Res. 561; "yes" on H. Con. Res. 484; "yes" on H. Con. Res. 451; "yes" on H. Res. 522; "yes" on H.R. 556; "yes" on H.R. 5472; "yes" on H.R. 5469; "yes" on H.R. 4125; "yes" on H. Res. 417; "yes" on H. Res. 538; "yes" on H.R. 4851; "yes" on H. Res. 530; "yes" on H.R. 4944; "yes" on H.R. 4874; "yes" on H.R. 4141; "no" on H.R. 4968; "yes" on H.R. 4129; "yes" on H.R. 3802; "yes" on H. Con. Res. 425; "yes" on H.R. 3813; "yes" on H.R. 4830; "yes" on H.R. 4692; "yes" on H.R. 3534; "yes" on H.R. 5125; "yes" on H.R. 2426; "yes" on H.R. 5303.

TRIBUTE TO PASTOR PAUL GOLATT

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 2002

Mrs. MEEK of Florida. Mr. Speaker, I rise today to commend a dedicated Pastor and leader in my district as he celebrates his fourteenth Pastor's Appreciation Day on October 6, 2002.

Pastor Paul Golatt, Jr. is the Pastor of Macedonia Church of God in Christ and the Superintendent of the North Miami District of the Church of God in Christ. He also serves his community as an employee for the United States Postal Service.

Pastor Paul Golatt, Jr. was ordained by Bishop Jacob Cohen in Fort Pierce, Florida during the Jurisdictional Holy Convocation in 1969. After many sermonettes, faithful services and training under the leadership of the late Pastor Paul Golatt Sr., he was appointed the first Assistant Pastor of the Macedonia Church of God in Christ. Upon the passing of his father and Pastor in December 1987, Paul Golatt, Jr. was appointed Pastor of Macedonia Church of God in Christ. On September 4, 1999, he was officially appointed and installed as District Superintendent of the North Miami District Church of God in Christ, by the Jurisdictional Prelate, Bishop Jacob Cohen.

Pastor Paul Golatt, Jr. continues to devote his life by extending benevolence to people in need. In addition to providing churches and communities with school supplies for children, he frequently donates food, clothing and money to communities and to orphanages in Haiti. He also finds the time to conduct joint services on holidays, including Easter, Thanksgiving and Christmas, with neighboring churches.

Pastor Paul Golatt, Jr. is a remarkable man whose personal achievement and community service are an example to us all. He is a father, Superintendent, Mail Carrier, an Organist, Choir Director, Recording Artist, Counselor, Secretary, Singer, Jurisdictional Adjutant, caring and compassionate Shepherd, praying servant and "A Man After God's Own Heart". (Jeremiah 3:15)

Mr. Speaker, I am proud to recognize Pastor Paul Golatt, Jr. for his humanitarian efforts which have touched the lives of so many people. I ask my colleagues to join me in honoring this congenial man of God. His faith, courage and kindness are an inspiration to all who have been touched by him.

PERSONAL EXPLANATION

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 2002

Mr. THOMPSON of California. Mr. Speaker, I was out of the country on congressional business from September 25 to October 1. Had I been present I would have voted in the following manner:

"No" on rollcall vote Nos. 413, 414, 416, 417, 419, and 421.

"Yes" on rollcall vote Nos. 415, 418, 420, 422, 423, 424, 425, and 426.

A TRIBUTE TO GAIL SHAIVITZ

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 2002

Mr. CARDIN. Mr. Speaker, I rise today to pay special tribute to Gail Shavitv and her 22-year career in service to Baltimore County seniors. During her career at the Pikesville Senior Center, Gail was dedicated to the well-being of her members, whom she treated as extended family.

Gail is unique because she has spent 20 years with one senior center, the Pikesville Senior Center. She began her career in 1980 as a part-time regional program specialist. In October 1982, she was assigned to the Pikesville Senior Center as the center supervisor. In 1984, Gail was promoted to director. In fact, Gail has the distinction of working at one senior center, in the same position, for the longest period of time of anyone in the Baltimore County Department of Aging.

As director of the Pikesville Senior Center, she was instrumental in getting it accredited by the National Council on the Aging's National Institute of Senior Centers. It was largely through Gail's efforts that the Pikesville Senior Center became one of the first centers in the county to receive accreditation status. Since then, all 18 Baltimore County senior centers have been accredited.

Gail's 20-year career at the Pikesville Senior Center has been marked by significant expansion and creativity in programing. She has worked to connect the senior center to the greater Pikesville community through membership in the Pikesville Community Growth Corporation and the Pikesville Chamber of Commerce. In 1997, she received special recognition from Baltimore County Executive Dutch Ruppersberger and the Baltimore County Department of Aging Director Charles Fisher.

I hope my colleagues in the U.S. House of Representatives will join me in saluting Gail Shavitv, a committed public servant who has done much to improve the lives of seniors in Baltimore County.

TRIBUTE TO PROFESSOR DEAN
BERGERON

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 2002

Mr. MEEHAN. Mr. Speaker, I rise to pay tribute to Professor Dean Bergeron upon his retirement for his lifetime commitment to educating and inspiring students at the University of Massachusetts Lowell.

Robert F. Kennedy often said that "It is from numberless diverse acts of courage and belief that human history is shaped. Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope; and crossing each other from a million different centers of energy and daring, those ripples build a current which can sweep down the mightiest walls of oppression and resistance."

Professor Dean Bergeron, who is lovingly referred to by students as "Dean", learned the lessons of acceptance, tolerance and the joy

of life from his parents Joseph and Chloe. Their upbringing inspired Dean to enter the teaching profession, so he studied History at St. Michael's College. Upon the completion of his baccalaureate degree, his passion motivated him to further his education in history at both Villanova and Brown University. In 1965, Dean Bergeron concluded his studies and accepted a teaching position in the History Department at Lowell State College, a decision that resulted in a lifetime career that positively changed thousands of students' lives.

Dean Bergeron displayed diverse acts of courage on a daily basis by challenging students to recognize the depths of their potential. He implemented cutting edge classroom techniques to keep students engaged. He created the Model Leagues, an involvement learning program for students to participate in simulated United Nations and Arab League conferences. He and Professor Joyce Denning used their own money to start a grant program for students. He even implemented new classes into the curriculum, such as, Middle East Studies, the Environment and the Kennedys.

His impact upon the lives of students has truly been remarkable. The Model Leagues program is one of the best in the nation, winning local, national and international awards. It has provided students with the opportunity to learn and to travel. The grant opportunities has provided students an opportunity to create meaningful projects at home and abroad. There are few words to express the way students feel about him. Many refer to him as a mentor, advisor and best friend.

Dean Bergeron used the classroom to encourage students to stand up for an ideal, to help those less fortunate and to dispel myths about other cultures. Dean was truly an outstanding professor who cared about his students. His legacy has created countless ripples of hopes that impacted the hearts and minds of his students and has left the University of Massachusetts Lowell, the Commonwealth of Massachusetts, the United States of America and the World community a far better place.

HOUSES OF WORSHIP POLITICAL
SPEECH PROTECTION ACT

SPEECH OF

HON. DAVID VITTER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. VITTER. Mr. Speaker, I offer my strong support H.R. 2357, the Houses of Worship Political Speech Protection Act. This bill, a much-needed change in current law, would once again offer First Amendment freedoms to our nation's churches without the fear of a heavy-handed or politicized IRS or federal government.

Since 1954, our nation's religious institutions have been silenced. Prior to that time, religious leaders spoke freely about issues. Civil rights had a great moral and religious component to it. Abolition had a great moral and religious component to it. And so issues today continue to have their moral and religious components. Yet churches are told, many times under an inconsistent system that is only selectively enforced, to silence themselves or face losing tax-exempt status. This

is the greatest disservice to some of our greatest institutions.

Sadly, there has even been an attempt to intimidate churches from speaking out on issues. One liberal organization devoted to their own version of the First Amendment actually mailed over a quarter million letters in 2000 to houses of worship warning them about speaking out on political issues. The chilling effect of this clear attempt to muzzle our nation's pastors, priests, ministers, rabbis and other clergy, must not stand.

This legislation has been well thought out and thoroughly reviewed by committees so that new campaign loopholes are not created, and no new avenues of soft money are allowed—both things I would oppose. We are merely asking to go back to the laws that existed for the first one hundred fifty years of our nation, which simply allowed freedom of expression for religious organizations.

I strongly urge my colleagues to support and vote for H.R. 2357.

COLLECTIONS FROM OTHER
FEDERAL HEALTH PROGRAMS

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 2002

Mr. SMITH of New Jersey. Mr. Speaker, today I am introducing H.R. 5530, a bill that would strengthen VA's rights under law to collect reimbursement from certain third parties to cover the costs the Department incurs in providing health care to veterans covered by another private or public health plan. A number of these plans either refuse to reimburse, or are prohibited from doing so by current law. My bill, H.R. 5530, would fix this problem by eliminating these barriers to reimbursement for VA care.

Those who pay attention to such matters are aware that the VA health care system is seriously under-funded to meet the demands being placed on it by our nation's veterans. As Chairman of the authorizing Committee for the Department of Veterans Affairs, I have worked hard to ensure that VA health care has the resources it requires to provide high quality health care services in a timely fashion. However, today VA health care is in crisis, as increasing enrollment and rising health care costs have resulted in hundreds of thousands of veterans being forced to wait months, even more than a year, to see a VA doctor. A VA report recently said that over 300,000 veterans are now waiting over six months to be seen in VA primary care. This is not acceptable.

America's veterans did not ask us to wait while they finished high school, apprenticeships or college before being trained and sent into the European Theater of World War II as replacements for troops killed or taken prisoner of war at the Battle of the Bulge. They did not ask the U.S. Government to delay our call-up of WWII veterans in 1950 to go into the frozen confines of Korea to fight Chinese Communists along the 38th Parallel, or whether they could somehow postpone the horrible suffering caused by extreme cold weather at the Chosin Reservoir.

They were called, they answered, and they served. This is the way of America's citizen soldiers. Now, many of these veterans are

calling on their government to fulfill their promises and provide them health care through VA—many in their final years. They should not be told to wait because we lack the resources.

Mr. Speaker, H.R. 5530 would correct a number of deficiencies in VA's ability to recover the costs of care provided to veterans covered by other health plans. Since 1986, VA has had statutory authority to collect from traditional insurers such as Blue Cross-Blue Shield, Aetna, Mutual of Omaha and many others. These funds are used by VA to supplement appropriated funds to maintain high quality health care. VA also collects from so called "Medi-gap policies" that are an important adjunct to the Medicare program.

But VA is unable to collect from the massive managed care sector, accounting now for over two-thirds of all health plans in the United States, including the managed care plans within Federal Employee Health Benefits Plan. Nor can VA collect from the Medicare program with nearly 40 million eligibles. My legislation would require these federal programs to pay VA for care it provides to covered beneficiaries. This would increase the amount of money VA could collect by hundreds of millions of dollars each year—providing funds that are desperately needed to reduce these intolerable waiting lists and promote better use of all available health care resources.

I urge my colleagues to support and co-sponsor this bill that will be an important supplement to a cash-strapped VA health care system charged with caring for many of our nation's heroes.

TRIBUTE TO DR. MATTHEW PRINCE

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 2002

Mr. DUNCAN. Mr. Speaker, on August 26, this Nation lost a great and patriotic American. Dr. Matthew Prince, a very close friend of mine, passed away suddenly due to a heart attack.

Matt was one of the finest men I have ever known. He was both a lawyer and a minister, having graduated from the University of Tennessee with both undergraduate and law degrees, and the Dallas Theological Seminary.

He founded New Life, Inc., an evangelistic ministry and Bible study and served for several years as Pastor for Calvary Evangelical Church. He was host of the Answerline program on WRJZ Radio Station for more than 15 years and later the Treasures of Grace Program. He had also served as Legal Counsel for the Young Life Christian organization and as a lawyer in private practice.

In addition to all this, Dr. Prince was a Sunday School teacher for many years at Cedar Springs Presbyterian Church and West Park Baptist Church.

His brother, Dr. Tom Prince, said "Matt was one of the great men of God in his time. . . ."

Most important of all, Matt was a good family man who loved his wife, children, grandchildren, and great grandchildren very much. He was very proud of them, and they have every right to be proud of the life he led.

Matt Prince was a man in the arena. He fought very hard for the things he believed in, and he was never afraid to take a stand for God or Country. This Nation is a better place today, and thousands of lives were touched in a positive way, because of Matt Prince.

I would like to call to the attention of my colleagues and other readers of the RECORD the following article about the life of Matt Prince which ran in the Knoxville News-Sentinel on September 18, 2002.

EVANGELIST, CHRISTIAN RADIO HOST OF ANSWERLINE, DIES OF HEART ATTACK

(By Sherri Gardner Howell)

The Rev. Dr. Matthew "Matt" Prince, evangelist and longtime Christian radio host, died Monday, Aug. 26, of a heart attack. The Rev. Dr. Prince, 73, was a radio host for more than 15 years for Answerline on WRJZ radio and taught Sunday School classes at Cedar Springs Presbyterian Church and West Park Baptist Church.

After Answerline went off the air, the Rev. Dr. Prince began the Treasures of Grace radio program, which aired each weekday.

A graduate of the University of Tennessee, the Dallas Theological Seminary and UT Law School, the Rev. Dr. Prince founded New Life Inc., an evangelistic outreach ministry and Bible study. As part of his law practice, the Rev. Dr. Prince served as head of legal council for Young Life in Colorado Springs, Colo., and then practiced law in Knoxville.

In 1988, the Rev. Dr. Prince led a team that formed Calvary Evangelical Church in West Knoxville and served as its pastor for 5 years.

"Matt was one of the great men of God in this time, and he recreated 'Friendship Evangelism,' a way of introducing people to Christ through friendship and in people's homes," says his brother Dr. Tom Prince.

Their father, Thomas C. Prince, was instrumental in bringing Young Life to Knoxville in 1947.

The Rev. Dr. Prince is survived by his wife, Judy Prince, sons Matt S. Prince Jr. and David Prince of Simi Valley, Calif.; daughters Peggy Miller of Plano, Texas, Patty Mastro of Huntington Beach, Calif., Penny Griffin and Beverly Sharp; step-daughter Trudi Neubeck, and stepson Rick Boensch of St. Petersburg, Fla.; brother, Dr. Tom Prince; nephews Tommy, Gary and Steven Prince; and niece Gayle Scaggs. The Rev. Dr. Prince had 10 grandchildren and two great-grandchildren.

The family will receive friends from 5 to 8 p.m. Wednesday at Rose Mortuary Mann Heritage Chapel. The funeral service will be at 11 a.m. Thursday at West Park Baptist Church with burial at 3 p.m. Thursday at Highland Memorial Cemetery.

EXPRESSING SORROW FOR THE PASSING OF REPRESENTATIVE PATSY MINK

SPEECH OF

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. HOLT. Mr. Speaker, I rise today to honor and remember the works of a great mentor, friend, colleague, and champion in Congress, Representative PATSY MINK.

I am saddened by the sudden loss of such a great leader and heroine. She inspired many

of us through her tireless work, commitment, and dedication throughout her tenure in Congress. I send my condolences to Representative MINK's family, Mr. John Francis Mink, her husband, and Gwendolyn Rachel Mink, her daughter. You are in my thoughts and prayers.

Congresswoman MINK was the first Asian American woman to serve in Congress. During her time in Congress she championed many issues including women's rights, education, the environment, equal opportunity for all citizens, and Title IX of the Education Act. She will always be remembered as an outspoken advocate for women and children. She was the kind of public servant we all want to emulate.

PATSY left a lasting legacy behind that has inspired us to continue her work. She touched the lives of many individuals, particularly women through her work on Title IX, which mandates gender equality in any education program or activity receiving federal financial assistance. Title IX has been instrumental in prohibiting discrimination on the basis of sex in educational programs and sports activities that receive Federal funding. Before Title IX, many schools saw no problem in maintaining strict limits on the admission of women or simply refusing to admit them. Since the passage of Title IX, this has changed dramatically. In 1994, women received 38 percent of medical degrees, 43 percent of law degrees, and 44 percent of all doctoral degrees. In 1972, women received only 9 percent of medical degrees, 7 percent of law degrees and 25 percent of doctoral degrees.

Female participation in sports, like receiving a college education, has had unexpected benefits for women through Title IX. Studies have shown that values learned from sports participation, such as teamwork, leadership, discipline and pride in accomplishment, are important attributes as women increase their participation in the workforce, as well as their entry into business management and ownership positions.

More and more women are entering and graduating from college and graduate school. More women are entering and excelling in sports activities. And, more women are entering the corporate world and holding management positions. Representative MINK's leadership in enacting Title IX will continue to make a difference for young women. This is why today in the Education and the Workforce Committee we passed a bill to name Title IX after PATSY MINK. Thanks to her courage and foresight the country is better as women have the opportunity to achieve their full position.

Her work enabled many young women to enter the field of sports, medicine, law, and business. Women today have been empowered to reach as far as they want because of the work Representative MINK championed in Congress.

Representative PATSY MINK's dedication and perseverance will be admired. She will be forever known as a strong, intelligent, and inspirational woman. She left a legacy behind that motivated and touched me deeply. Her work has allowed women to accomplish and reach for any dream they desire to achieve. Thank you, PATSY MINK.

Daily Digest

HIGHLIGHTS

Senate agreed to the conference report on H.R. 2215, 21st Century Department of Justice Appropriations Authorization Act.

The House and Senate passed H.J. Res. 112, making further continuing appropriations for the fiscal year 2003.

House Committee ordered reported a joint resolution to authorize the use of United States Armed Forces against Iraq.

Senate

Chamber Action

Routine Proceedings, pages S9861–9931

Measures Introduced: Twenty-one bills and one resolution were introduced, as follows: S. 3036–3056, and S. Con. Res. 149. **Page S9901**

Measures Reported:

S. 2608, to amend the Coastal Zone Management Act of 1972 to authorize the acquisition of coastal areas in order better to ensure their protection from conversion or development, with an amendment in the nature of a substitute. (S. Rept. No. 107–296)

S. 958, to provide for the use and distribution of the funds awarded to the Western Shoshone identifiable group under Indian Claims Commission Docket Numbers 326–A–1, 326–A–3, 326–K, with an amendment in the nature of a substitute. (S. Rept. No. 107–297) **Page S9901**

Measures Passed:

Continuing Resolution: Senate passed H.J. Res. 112, making further continuing appropriations for the fiscal year 2003, clearing the measure for the President. **Page S9901**

Armed Forces Tax Fairness Act: Senate passed H.R. 5063, to amend the Internal Revenue Code of 1986 to improve tax equity for military personnel, after agreeing to a committee amendment in the nature of a substitute, and the following amendment proposed thereto: **Pages S9915–27**

Reid (for McCain/Baucus) Amendment No. 4855, to apply the special rule for members of the uniformed services and Foreign Service to sales or exchanges after May 6, 1997. **Page S9923**

Pharmacy Education Aid Act: Senate passed S. 1806, to amend the Public Health Service Act with respect to health professions programs regarding the practice of pharmacy, after agreeing to a committee amendment in the nature of a substitute. **Pages S9927–30**

National Minority Health and Health Disparities Month: Committee on the Judiciary was discharged from further consideration of H. Con. Res. 388, expressing the sense of the Congress that there should be established a National Minority Health and Health Disparities Month, and the resolution was then agreed to. **Page S9930**

National Minority Health and Health Disparities Month: Committee on the Judiciary was discharged from further consideration of S. Con. Res. 139, expressing the sense of Congress that there should be established a National Minority Health and Health Disparities Month, and the resolution was then agreed to. **Pages S9930–31**

National Cystic Fibrosis Awareness Week: Committee on the Judiciary was discharged from further consideration of S. Res. 270, designating the week of October 13, 2002, through October 19, 2002, as “National Cystic Fibrosis Awareness Week”, and the resolution was then agreed to. **Page S9931**

21st Century Department of Justice Appropriations Authorization Act—Conference Report: By unanimous-consent, Senate agreed to the conference report on H.R. 2215, to authorize appropriations for the Department of Justice for fiscal year 2002. **Page S9870**

During consideration of this measure today, Senate also took the following action:

By 93 yeas to 5 nays (Vote No. 229), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the conference report.

Page S9870

Further Resolution on Iraq: By unanimous-consent, Senate agreed to the motion to proceed to consideration of S.J. Res. 45, to authorize the use of United States Armed Forces against Iraq. Page S9894

During consideration of this measure today, Senate also took the following action:

By 95 yeas to 1 nay (Vote No. 230), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the motion to proceed to the resolution.

Page S9894

A unanimous-consent agreement was reached providing that the motion to proceed to the resolution be agreed to and that consideration of the joint resolution be limited to debate only until Tuesday, October 8, 2002.

Page S9915

A unanimous-consent agreement was reached providing for further consideration of the resolution at 9:30 a.m., on Friday, October 4, 2002.

Page S9931

Messages From the House: Pages S9900–01

Measures Placed on Calendar: Pages S9861, S9901

Additional Cosponsors: Pages S9901–02

Statements on Introduced Bills/Resolutions: Pages S9902–13

Additional Statements: Pages S9899–S9900

Amendments Submitted: Pages S9913–14

Authority for Committees to Meet: Pages S9914–15

Privilege of the Floor: Page S9915

Record Votes: Two record votes were taken today. (Total—230) Pages S9870, S9894

Adjournment: Senate met at 10 a.m., adjourned at 6:25 p.m., until 9:30 a.m., on Friday, October 4, 2002. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S9931).

Committee Meetings

(Committees not listed did not meet)

NOMINATIONS

Committee on Agriculture, Nutrition, and Forestry: Committee concluded hearings on the nomination of Nancy Carol Pellett, of Iowa, to be a Board Member of the Farm Credit Administration. Ms. Pellett was introduced by Senator Grassley.

MONEY LAUNDERING

Committee on Banking, Housing, and Urban Affairs: Committee concluded hearings to examine issues related to money laundering, including the 2002 National Money Laundering Strategy, progress on the financial front of the ongoing war on terrorism, and the implementation of the USA Patriot Act (P. L. 107–56), after receiving testimony from Senator Grassley; Kenneth W. Dam, Deputy Secretary of the Treasury; Larry D. Thompson, Deputy Attorney General of the Department of Justice; and Alvin C. James, Jr., Ernst and Young, Stuart Eizenstat, Covington and Burling, and Elisse B. Walter, National Association of Securities Dealers, all of Washington, D.C.

NOMINATIONS

Committee on Banking, Housing, and Urban Affairs: Committee concluded hearings to examine the nominations of Armando J. Bucelo, Jr., of Florida, to be a Director of the Securities Investor Protection Corporation, Alberto Faustino Trevino, of California, to be an Assistant Secretary of Housing and Urban Development, Diana E. Furchtgott-Roth, of Maryland, to be a Director of the Federal Housing Finance Board, Carolyn Y. Peoples, of Maryland, to be an Assistant Secretary of Housing and Urban Development, Deborah Doyle McWhinney, of California, to be a Director of the Securities Investor Protection Corporation, John M. Reich, of Virginia, to be Vice Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation, and Rafael Cuellar, of New Jersey, and Michael Scott, of North Carolina, each to be a Member of the Board of Directors of the National Consumer Cooperative Bank, after the nominees testified and answered questions in their own behalf.

NATIONAL PARK OVERFLIGHTS

Committee on Commerce, Science, and Transportation: Committee concluded oversight hearings to examine park aircraft overflight regulations, park visitor safety, restoration of natural park quiet, and air tour management, after receiving testimony from Paul Hoffman, Deputy Assistant Secretary of the Interior for Fish and Wildlife and Parks; Margaret Gilligan, Deputy Associate Administrator for Regulations and Certification, Federal Aviation Administration, Department of Transportation; Alan R. Stephen, Grand Canyon Airlines, North Las Vegas, Nevada, on behalf of United States Air Tour Association; Tom Robinson, Grand Canyon Trust, Flagstaff, Arizona; Steven Bosak, National Parks Conservation Association, Washington, D.C.; and James D. Santini, Alexandria, Virginia.

EDUCATIONAL OPPORTUNITIES FOR WOMEN

Committee on Commerce, Science, and Transportation: Subcommittee on Science, Technology, and Space concluded hearings to examine Title IX of the Education Amendments of 1972, the equal treatment of women in education, focusing on opportunities for women in science, mathematics, and engineering, after receiving testimony from former Senator Birch Bayh, Venable, Baetjer, and Howard, and Marcia D. Greenberger, National Women's Law Center, both of Washington, D.C.; C. Todd Jones, Deputy Assistant Secretary of Education for Enforcement, Office for Civil Rights; Margaret Murphy, Brown University Women's Hockey Team, Providence, Rhode Island; April Brown, Duke University Department of Electrical and Computer Engineering, Durham, North Carolina; and Geraldine L. Richmond, University of Oregon Department of Chemistry, Eugene.

BUSINESS MEETING

Committee on Energy and Natural Resources: Committee ordered favorably reported the following business items:

S.J. Res. 44, to consent to amendments to the Hawaii Homes Commission Act, 1920, with an amendment;

S. 1451, to provide for the conveyance of certain public land in Clark County, Nevada, for use as a shooting range, with an amendment;

S. 1959, to direct the Secretary of the Interior to conduct a study of the Former Eaglesdale Ferry Dock in the State of Washington for potential inclusion in the National Park System, with an amendment;

S. 1988, to authorize the American Battle Monuments Commission to establish in the State of Louisiana a memorial to honor the Buffalo Soldiers, with an amendment in the nature of a substitute;

S. 2016, to authorize the exchange of lands between an Alaska Native Village Corporation and the Department of the Interior, with an amendment in the nature of a substitute;

S. 2475, to amend the Central Utah Project Completion Act to clarify the responsibilities of the Secretary of the Interior with respect to the Central Utah Project, to redirect unexpended budget authority for the Central Utah Project for wastewater treatment and reuse and other purposes, to provide for prepayment of repayment contracts for municipal and industrial water delivery facilities, and to eliminate a deadline for such prepayment, with an amendment in the nature of a substitute;

S. 2556, to authorize the Secretary of the Interior to convey certain facilities to the Fremont-Madison Irrigation District in the State of Idaho, with an amendment in the nature of a substitute;

S. 2587, to establish the Joint Federal and State Navigable Waters Commission of Alaska, with an amendment;

S. 2612, to establish wilderness areas, promote conservation, improve public land, and provide for high quality development in Clark County, Nevada, with an amendment in the nature of a substitute;

S. 2623, to designate the Cedar Creek Battlefield and Belle Grove Plantation National Historical Park as a unit of the National Park System, with an amendment in the nature of a substitute;

S. 2652, to authorize the Secretary of Agriculture to sell or exchange certain land in the State of Florida, with amendments;

S. 2672, to provide opportunities for collaborative restoration projects on National Forest System and other public domain lands, with an amendment;

S. 2696, to clear title to certain real property in New Mexico associated with the Middle Rio Grande Project, with an amendment in the nature of a substitute;

S. 2727, to provide for the protection of paleontological resources on Federal lands, with amendments;

S. 2731, to establish the Crossroads of the American Revolution National Heritage Area in the State of New Jersey, with an amendment;

S. 2744, to establish the National Aviation Heritage Area, with amendments;

S. 2756, to establish the Champlain Valley National Heritage Partnership in the States of Vermont and New York, with an amendment;

S. 2773, to authorize the Secretary of the Interior to cooperate with the High Plains Aquifer States in conducting a hydrogeologic characterization, mapping, modeling and monitoring program for the High Plains Aquifer, with an amendment in the nature of a substitute;

S. 2776, to provide for the protection of archaeological sites in the Galisteo Basin in New Mexico, with an amendment;

S. 2788, to revise the boundary of the Wind Cave National Park in the State of South Dakota;

S. 2823, to amend the Organic Act of Guam for the purposes of clarifying the local judicial structure of Guam;

S. 2872, to reinstate and extend the deadline for commencement of construction of a hydroelectric project in the State of Illinois;

S. 2880, to designate Fort Bayard Historic District in the State of New Mexico as a National Historic Landmark;

S. 2893, to provide that certain Bureau of Land Management land shall be held in trust for the Pueblo of Santa Clara and the Pueblo of San Ildefonso in the State of New Mexico;

S. 2899, to establish the Atchafalaya National Heritage Area, Louisiana, with an amendment;

S. 2927, to extend the deadline for commencement of construction of a hydroelectric project in the State of Oregon;

S. 2937, to establish the Blue Ridge National Heritage Area in the State of North Carolina, with an amendment;

S. 2952, to amend the National Trails System Act to extend the Lewis and Clark National Historic Trail;

H.R. 5125, to amend the American Battlefield Protection Act of 1996 to authorize the Secretary of the Interior to establish a battlefield acquisition grant program;

S. 3005, to revise the boundary of the Kaloko-Honokohau National Historical Park in the State of Hawaii, with amendments;

H.R. 980, to establish the Moccasin Bend National Historic Site in the State of Tennessee as a unit of the National Park System, with an amendment in the nature of a substitute and an amendment to the title;

H.R. 2628, to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Muscle Shoals National Heritage Area in Alabama;

H.R. 2990, to amend the Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2000 to authorize additional projects under that Act;

H.R. 3401, to provide for the conveyance of Forest Service facilities and lands comprising the Five Mile Regional Learning Center in the State of California to the Clovis Unified School District, to authorize a new special use permit regarding the continued use of unconveyed lands comprising the Center;

H.R. 3421, to provide adequate school facilities within Yosemite National Park, with an amendment in the nature of a substitute;

H.R. 3786, to revise the boundary of the Glen Canyon National Recreation Area in the States of Utah and Arizona, with amendments;

H.R. 3858, to modify the boundaries of the New River Gorge National River, West Virginia;

H.R. 3909, to designate certain Federal lands in the State of Utah as the Gunn McKay Nature Preserve;

H.R. 3928, to assist in the preservation of archaeological, paleontological, zoological, geological, and botanical artifacts through construction of a new facility for the University of Utah Museum of Natural History, Salt Lake City, Utah;

H.R. 3954, to designate certain waterways in the Caribbean National Forest in the Commonwealth of

Puerto Rico as components of the National Wild and Scenic Rivers System;

H.R. 4682, to revise the boundary of the Allegheny Portage Railroad National Historic Site;

S. 2585, to direct the Secretary of the Interior to disclaim any Federal interest in lands adjacent to Spirit Lake and Twin Lakes in the State of Idaho resulting from possible omission of lands from an 1880 survey;

S. 2670, to establish Institutes to conduct research on the prevention of, and restoration from, wildfires in forest and woodland ecosystems, with an amendment;

H.R. 451, to make certain adjustments to the boundaries of the Mount Nebo Wilderness Area;

H.R. 2818, to authorize the Secretary of the Interior to convey certain public land within the Sand Mountain Wilderness Study Area in the State of Idaho to resolve an occupancy encroachment dating back to 1971;

S. 2565, to enhance ecosystem protection and the range of outdoor opportunities protected by statute in the Skykomish River valley of the State of Washington by designating certain lower-elevation Federal lands as wilderness;

S. 1816, to provide for the continuation of higher education through the conveyance of certain public lands in the State of Alaska to the University of Alaska;

S. 3003, to authorize a land conveyance between the United States and the City of Craig, Alaska;

H.R. 5099, to extend the periods of authorization for the Secretary of the Interior to implement capital construction projects associated with the endangered fish recovery implementation programs for the Upper Colorado and San Juan River Basins.

SOCIAL SECURITY REFORM

Committee on Finance: Committee held hearings to examine the recommendations of the President's Commission to Strengthen Social Security, after receiving testimony from Olivia S. Mitchell, University of Pennsylvania Wharton School, Philadelphia, on behalf of the President's Commission to Strengthen Social Security; and Peter R. Orszag, Brookings Institution, Andrew G. Biggs, Cato Institute, Robert Greenstein, Center on Budget and Policy Priorities, Esther Canja, AARP, Barbara B. Kennelly, National Committee to Preserve Social Security and Medicare, Robert L. Bixby, Concord Coalition, and Marty Ford, Arc of the United States, on behalf of the Consortium for Citizens with Disabilities, all of Washington, D.C.

Hearing recessed subject to the call.

NOMINATIONS

Committee on Foreign Relations: Committee concluded hearings to examine the nominations of Richard Allan Roth, of Michigan, to be Ambassador to the Republic of Senegal, and to serve concurrently and without additional compensation as Ambassador to the Republic of Guinea-Bissau; Joseph Huggins, of the District of Columbia, to be Ambassador to the Republic of Botswana; and Robin Renee Sanders, of New York, to be Ambassador to the Republic of Congo, after the nominees testified and answered questions in their own behalf.

NOMINATIONS

Committee on Foreign Relations: Committee concluded hearings on the nominations of Maura Ann Harty, of Florida, to be Assistant Secretary of State for Consular Affairs; Kim R. Holmes, of Maryland, to be Assistant Secretary of State for International Organization Affairs; Francis X. Taylor, of Maryland, to be Assistant Secretary of State for Diplomatic Security, and Director for the Office of Foreign Missions, with the rank of Ambassador; and Ellen R. Sauerbrey, of

Maryland, for the rank of Ambassador during her tenure of service as the United States Representative on the Commission on the Status of Women of the Economic and Social Council of the United Nations, after the nominees testified and answered questions in their own behalf. Mr. Holmes and Ms. Sauerbrey were introduced by Senator Allen.

NOMINATION

Committee on Rules and Administration: Committee concluded hearings to examine the nomination of Bruce R. James, of Nevada, to be Public Printer, Government Printing Office, after the nominee, who was introduced by Senator Ensign, testified and answered questions in his own behalf. Testimony was also received on the nomination from Benjamin Y. Cooper, Printing Industries of America, Inc., Alexandria, Virginia; and Joan F. Cheverie, Georgetown University, on behalf of the American Library Association and the Special Libraries Association, and Robert S. Willard, National Commission on Libraries and Information Science, both of Washington, D.C.

House of Representatives

Chamber Action

Measures Introduced: 13 public bills, H.R. 5542–5554; 1 private bill, H.R. 5555; and 6 resolutions, H. Con. Res. 498–499, and H. Res. 570–573, were introduced. **Page H7018**

Reports Filed: Reports were filed today as follows:

H.R. 282, to authorize the Pyramid of Remembrance Foundation to establish a memorial in the District of Columbia or its environs to soldiers who have lost their lives during peacekeeping operations, humanitarian efforts, training, terrorist attacks, or covert operations, amended (H. Rept. 107–719); and

H.R. 5400, to authorize the President of the United States to agree to certain amendments to the Agreement between the Government of the United States of America and the Government of the United Mexican States concerning the establishment of a Border Environment Cooperation Commission and a North American Development Bank, amended (H. Rept. 107–720). **Page H7018**

Guest Chaplain: The prayer was offered by the guest Chaplain, Rev. Robert G. Hobson of Sun City, Arizona. **Page H6985**

Journal: Agreed to the Speaker's approval of the Journal of Wednesday, Oct. 2 by a yea-and-nay vote of 327 yeas to 53 nays, Roll No. 437. **Page H6986**

Making Further Continuing Appropriations: The House passed H.J. Res. 112, making further continuing appropriations for the fiscal year 2003, by a yea-and-nay vote of 404 yeas to 7 nays, Roll No. 439. **Pages H6986–H7001**

Agreed to H. Res. 568, the rule that provided for consideration of the joint resolution by voice vote. Earlier, agreed to order the previous question by a yea-and-nay vote of 206 yeas to 198 nays, Roll No. 438. **Pages H6992–93**

Representative Farr Question of Privilege: The Chair ruled that the resolution offered by Representatives Farr did not constitute a question of the privileges of the House. Agreed to table the motion to appeal the ruling of the Chair by a yea-and-nay vote of 206 yeas to 192 nays, Roll No. 440. **Pages H7001–02**

Representative Carson of Indiana Question of Privilege: The Chair ruled that the resolution offered by Representatives Carson of Indiana did not constitute a question of the privileges of the House. Agreed to table the motion to appeal the ruling of

the Chair by a recorded vote of 203 ayes to 192 noes, Roll No. 441.

Pages H7003–04

Intelligence Authorization—Go to Conference:

The House disagreed with the Senate amendment to H.R. 4628, to authorize appropriations for fiscal year 2003 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System and agreed to a conference. Appointed as conferees: From the permanent Select Committee on Intelligence for consideration of the House bill and the Senate amendment, and modifications committed to conference: Chairman Goss and Representatives Be-reuter, Castle, Boehlert, Gibbons, LaHood, Cunningham, Hoekstra, Burr of North Carolina, Chambliss, Everett, Pelosi, Bishop, Harman, Condit, Roemer, Reyes, Boswell, Peterson of Minnesota, and Cramer. And, from the Committee on Armed Services, for consideration of defense tactical intelligence and related activities: Chairman Stump and Representatives Hunter and Skelton.

Page H7004

Late Report—Intelligence Authorization Conference Report: The Permanent Select Committee on Intelligence received permission to have until midnight on Monday, Oct. 7, 2002, to file a conference report on H.R. 4628, Intelligence Authorization Act for fiscal year 2003.

Page H7004

Meeting Hour—Monday, Oct. 7: Agreed that when the House adjourns today, it adjourn to meet at 9:30 a.m. on Monday, Oct. 7 for Morning-Hour Debate.

Page H7006

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, Oct. 9.

Page H7006

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Thornberry to act as Speaker pro tempore to sign enrolled bills and joint resolutions through October 8, 2002.

Page H7006

Committee to Attend the Funeral of the Honorable Patsy T. Mink of Hawaii: Pursuant to H. Res. 566, expressing the condolences of the House of Representatives on the death of the Honorable Patsy T. Mink, a Representative from Hawaii, the Chair announced the Speaker's appointment of the following Members to the Committee to attend her funeral: Representatives Abercrombie, Gephardt, Pelosi, Obey, George Miller of California, Sensenbrenner, Faleomavaega, DeLauro, Waters, Clatyon, Eshoo, Eddie Bernice Johnson of Texas, Mica, Scott, Underwood, Woolsey, Jackson-Lee of Texas, Lofgren, Millender-McDonald, Lee, Kind, Wu, and Watson.

Page H7006

Securing America's Future Energy Act: The Chair announced that in the appointment of the managers on the part of the House in the conference on H.R. 4, to enhance energy conservation, research and development and to provide for security and diversity in the energy supply for the American people, that Representative Cubin is appointed, in addition to the appointment from the Committee on Resources, for consideration of the House bill and the Senate amendment, and modifications committed to conference.

Page H7010

Senate Messages: Messages received from the Senate appear on page H6985.

Referrals: S. 1226 was referred to the Committee on Resources, S. 2980 was referred to the Committee on Energy and Commerce, and S. 1972 and S. Con. Res. 143 were held at the desk.

Page H6985

Quorum Calls—Votes: Four yea-and-nay votes and one recorded vote developed during the proceedings of the House today and appear on pages H6986, H6992–93, H7000–01, H7002 and H7003–04. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 4:11 p.m.

Committee Meetings

POSTSECONDARY EDUCATION

Committee on Education and the Workforce: Held a hearing on "The Rising Price of a Quality Postsecondary Education: Fact or Fiction." Testimony was heard from public witnesses.

REFORMING REAL ESTATE SETTLEMENT PROCEDURE

Committee on Financial Services: Held a hearing entitled "Reforming the Real Estate Settlement Procedure: Review of HUD's proposed RESPA Rule." Testimony was heard from Mel Martinez, Secretary of Housing and Urban Development.

AMERICANS KIDNAPPED TO SAUDI ARABIA

Committee on Government Reform: Continued hearings on "Americans Kidnapped to Saudi Arabia: Is the Saudi Government Responsible?" Testimony was heard from the following officials of the Department of State: Ryan Crocker, Deputy Assistant Secretary, Bureau of Near Eastern Affairs; and Dianne Andruch, Deputy Assistant Secretary, Bureau of Consular Affairs; Raymond Mabus, former U.S. Ambassador to Saudi Arabia; and public witnesses.

WEST NILE VIRUS

Committee on Government Reform: Subcommittee on Criminal Justice, Drug Policy and Human Resources

held a hearing on “Responding to West Nile Virus: Public Health Implications and Federal Response.” Testimony was heard from the following officials of the Department of Health and Human Services: James Hughes, M.D., Director, National Center for Infectious Diseases, Centers for Disease Control and Prevention; and Jesse L. Goodman, M.D., Deputy Director, Center for Biologics Evaluation and Research, FDA; John R. Lumpkin, M.D., Director, Department of Public Health, State of Illinois; and public witnesses.

DISAPPEARING TAX DOLLARS

Committee on Government Reform: Subcommittee on Government Efficiency, Financial Management, and Intergovernmental Relations held a hearing on “Disappearing Tax Dollars: What Changes Are Needed?” Testimony was heard from Linda Calbom, Director, Financial Management and Assurance, GAO; Angela M. Antonelli, Chief Financial Officer, Department of Housing and Urban Development; and Jack Martin, Chief Financial Officer, Department of Education.

RESOLUTION—AUTHORIZING USE OF U.S. ARMED FORCES AGAINST IRAQ

Committee on International Relations: Ordered reported, as amended, H.J. Res. 114, to authorize the use of United States Armed Forces against Iraq.

COASTAL AMERICA PROGRAM

Committee on Resources: Subcommittee on Fisheries Conservation, Wildlife and Oceans held a hearing on the Coastal America program, and on the transfer of certain NOAA property to the Board of Trustees of the California State University. Testimony was heard from Representative Woolsey; Scott B. Gudes, Deputy Under Secretary, Oceans and Atmosphere, NOAA, Department of Commerce; James Connaughton, Chairman, Council on Environmental Quality; and a public witness.

THREAT OF NEAR-EARTH ASTEROIDS

Committee on Science: Subcommittee on Space and Aeronautics held a hearing on the Threat of Near-Earth Asteroids. Testimony was heard from the following officials of NASA: Edward Weiler, Associate Administrator, Space Science; and David Morrison, Senior Scientist, Ames Research Center; Brig. Gen. Simon Worden, USAF, Department of Defense; Brian Marsden, Director, Minor Planet Center, Astrophysical Observatory, Smithsonian Institution; and a public witness.

HEALTHCARE SERVICES—CMS REGULATION

Committee on Small Business: Held a hearing entitled “CMS Regulation of Healthcare Services.” Testimony was heard from Thomas Scully, Administrator, Centers for Medicare and Medicaid Services, Department of Health and Human Services; and public witnesses.

CURRENTLY COVERED PRESCRIPTION DRUGS—MEDICARE PAYMENTS

Committee on Ways and Means: Subcommittee on Health held a hearing on Medicare Payments for Currently Covered Prescription Drugs. Testimony was heard from the following officials of the Department of Health and Human Services: Thomas Scully, Administrator, Centers for Medicare and Medicaid Services; and George Reeb, Assistant Inspector General, Centers for Medicare and Medicaid Audits; and public witnesses.

Joint Meetings

9/11 INTELLIGENCE INVESTIGATION

Joint Hearings: Senate Select Committee on Intelligence continued joint hearings with the House Permanent Select Committee on Intelligence to examine activities of the U.S. Intelligence to examine activities of the U.S. Intelligence Community in connection with the September 11, 2001 terrorist attacks on the United States, receiving testimony from Lee H. Hamilton, Woodrow Wilson International Center for Scholars, Indiana University, Bloomington; Eleanor Hill, Staff Director, Joint Inquiry Staff; William Webster, former Director, Federal Bureau of Investigation, Department of Justice, on behalf of the Commission for the Review of FBI Security Programs; William E. Odom, National Security Studies, Hudson Institute, Washington, D.C.; and Frederick P. Hitz, Princeton University Woodrow Wilson School, Princeton, New Jersey.

Hearings recessed subject to call.

SECURING AMERICA'S FUTURE ENERGY ACT

Conferees met to resolve the differences between the Senate and House passed versions of H.R. 4, to enhance energy conservation, research and development and to provide for security and diversity in the energy supply for the American people, but did not complete action thereon.

Hearing recessed subject to the call.

**COMMITTEE MEETINGS FOR FRIDAY,
OCTOBER 4, 2002**

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine the nomination of Philip Merrill, of Maryland, to be President of the Export-Import Bank of the United States, 11 a.m., SD-538.

Select Committee on Intelligence: to hold closed hearings on intelligence matters, 11 a.m., SH-219.

House

No Committee meetings are scheduled.

Joint Meetings

Joint Economic Committee: to hold hearings to examine the employee situation focusing on September 2002, 9:30 a.m., 1334 Longworth Building.

Next Meeting of the SENATE

9:30 a.m., Friday, October 4

Next Meeting of the HOUSE OF REPRESENTATIVES

9:30 a.m., Monday, October 7

Senate Chamber

Program for Friday: Senate will continue consideration of S.J. Res. 45, to authorize the use of United States Armed Forces against Iraq.

House Chamber

Program for Monday: To be announced.

Extensions of Remarks, as inserted in this issue

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